

5748
No.

United States
Circuit Court of Appeals
For the Ninth Circuit.

JAMES W. MCGHEE and EDWARD C. JINKS,
trading as MCGHEE & JINKS,

Appellants,

vs.

Le SAGE & COMPANY, INC., a corporation,

Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for
the Southern District of California,
Southern Division.

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PAUL P. LICHNER,

CLERK

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INDEX.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original record are printed literally in italic; and, likewise, cancelled matter appearing in the original record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italics the two words between which the omission seems to occur.]

	PAGE
Answer	9
Assignment of Errors.....	140
Bill of Complaint for Injunction and Accounting for Infringement of U. S. Letters Patent 1,475,306.....	3
Bond on Appeal.....	144
Citation	2
Final Decree	14
Minute Order	13
Names and Addresses of Attorneys.....	1
Notice of Lodgment of Statement of Evidence Under Equity Rule 75 and of Request for Approval Thereof	53
Order Allowing Appeal.....	142
Petition for Appeal.....	139
Praecipe	146
Stipulation as to Transcript of Record and Exhibits on Appeal	50
Statement of Testimony Under Equity Rule 75.....	16
Testimony on Behalf of Plaintiff:	
LeSage, Wilfred L.....	17
McGhee, James W.....	17
Cross-Examination	19
Testimony on Behalf of Defendant:	
Day, John	19
Cross-Examination	25
Redirect Examination	27

Day, John, Redirect Examination (Recalled).....	42
Edsall, William H.....	33
Cross-Examination	35
Redirect Examination	38
Vroom, R. D. H.....	27
Cross-Examination	31
Redirect Examination	31
Recross-Examination	32
Cross-Examination (Recalled).....	32
Cross-Examination (Recalled).....	39
Redirect Examination	40
Whitehouse, John William.....	45
Wright, Harold Norman.....	47
Plaintiff's Exhibit No. 1.....	55
Plaintiff's Exhibit No. 2.....	59
Plaintiff's Exhibit No. 3-B.....	61
Defendant's Exhibit No. 4.....	61
Defendant's Exhibit H.....	63
Defendant's Exhibit J.....	66
Defendant's Exhibit K.....	87
Defendant's Exhibit L.....	94
Defendant's Exhibit M.....	98
Defendant's Exhibit N.....	104
Defendant's Exhibit O.....	129
Defendant's Exhibit AA.....	135
Defendant's Exhibit BB.....	135
Defendant's Exhibit No. CC.....	135
Defendant's Exhibit No. DD.....	138

Names and Addresses of Attorneys.

For Plaintiffs-Appellants :

LYON & LYON, Esq.,

HENRY S. RICHMOND, Esq.,

National City Bank Building, Los Angeles, California.

For Defendant-Appellee :

MITCHELL & BECHERT, Esqs.,

420 Lexington Avenue, New York, N. Y.

JAMES E. NEVILLE, Esq.,

Rowan Building, Los Angeles, California.

RAYMOND IVES BLAKESLEE, Esq.,

433 So. Spring St., Los Angeles, California.

UNITED STATES OF AMERICA, SS.

To LeSAGE & COMPANY, INC., a corporation, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be held at the City of San Francisco, in the State of California, on the 4th day of November, A. D. 1928, pursuant to Notice of Appeal in the Clerk's Office of the District Court of the United States, in and for the Southern District of California, in that certain suit in equity wherein JAMES W. MCGHEE and EDWARD C. JINKS, trading as MCGHEE & JINKS, are Plaintiffs, and you are Defendant to show cause, if any there be, why the Final Decree entered July 6th, 1928, in the said cause mentioned, should not be corrected, and speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable Wm. P. James, United States District Judge for the Southern District of California, this 5th day of October, A. D. 1928, and of the Independence of the United States, the one hundred and fifty-third.

Wm P James
U. S. District Judge for the
Southern District of California

[Endorsed]: No. M-27-M. United States District Court, Southern District of California, Southern Division. James W. McGhee and Edward C. Jinks, trading as McGhee & Jinks, plaintiffs vs. LeSage & Company, Inc. a corporation, defendant. Citation. Due service and receipt of a copy of the within Citation is hereby admitted this 6th

day of October, 1928 Clarke & Bowker, atty for
Filed Oct. 8, 1928. R. S. Zimmerman. R. S. Zimmerman Clerk. Lyon & Lyon, Frederick S. Lyon, Leonard S. Lyon, National City Bank Building, Los Angeles, Cal.

IN THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION.

JAMES W. McGHEE and ED- :
WARD C. JINKS, trading as :
McGHEE & JINKS. :
 :
Plaintiffs, :
 :
vs. : IN EQUITY NO.
 : M 27 M
LeSAGE & COMPANY, INC., :
a corporation, :
 :
Defendant. :

BILL OF COMPLAINT FOR INJUNCTION AND
ACCOUNTING FOR INFRINGEMENT OF U. S.
LETTERS PATENT 1,475,306.

Come now plaintiffs above-named and, complaining of
defendant above-named, allege:

I.

That plaintiffs, James W. McGhee and Edward C. Jinks,
during all of the times hereinafter mentioned, are citizens
and residents of the City of Los Angeles, County of Los
Angeles, State of California, within the Southern Division
of the Southern District of California, trading under the

firm name of McGhee & Jinks; that the defendant, LeSage & Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of California, with its principal place of business in the City of Los Angeles, California, within the Southern Division of the Southern District of California.

II.

That the ground upon which this Court's jurisdiction depends is that this is a suit in equity arising under the patent laws of the United States.

III.

That heretofore, to-wit, prior to September 23, 1922, plaintiff James W. McGhee, of Los Angeles, California, was the original, first and sole inventor of a new and useful invention, to-wit, Drapery Hook, not known or used by others before his invention or discovery thereof, or patented or described in any printed publication in the United States of America or in any foreign country, before his invention or discovery thereof, or more than two (2) years prior to his application for letters patent thereon in the United States of America, or in public use or on sale in the United States of America for more than two (2) years prior to such application for letters patent therefor, and not abandoned; that heretofore, to-wit, on the 23rd day of September, 1922, the said James W. McGhee made application in writing in due form of law to the Commissioner of Patents of the United States of America for letters patent for said invention, which application was then duly filed in the United States Patent Office and the Government fees therefor duly paid, and said James W. McGhee complied in all respects with the conditions and requirements of said law; that by an instrument in writing

executed in his name by said James W. McGhee and duly delivered to plaintiff Edward C. Jinks, said James W. McGhee did sell, assign, transfer and set over unto said plaintiff Edward C. Jinks an undivided one-half ($\frac{1}{2}$) interest in and to said invention and all rights in and to all letters patent to be granted and issued therefor, and did authorize and request the Commissioner of Patents to issue letters patent in accordance with said written assignment; that said instrument in writing was prior to November 27, 1923, duly recorded in the United States Patent Office, as in and by said original instrument, or a duly certified copy thereof ready in Court to be produced, will more fully and at large appear; that after due proceedings had and due examination made by the Commissioner of Patents as to the novelty and patentability of said invention, heretofore, to-wit, on the 27th day of November, 1923, letters patent of the United States of America No. 1,475,306, signed, sealed and executed in due form of law and bearing the day and year last aforesaid, were granted, issued and delivered by the Commissioner of Patents of the United States of America to plaintiffs, all as more fully and at large will appear from said original letters patent or a duly certified copy thereof ready in Court to be produced, as may be required; that thereby there was granted and secured to plaintiffs, their legal representatives and assigns, for the term of seventeen (17) years from and after the 27th day of November, 1923, the exclusive right and liberty of making, using and vending to others to be used, the said invention throughout the United States of America and the territories thereof; that plaintiffs are now, and at all times from and after the 27th day of November, 1923,

have been the owners and holders of said letters patent and of all rights and privileges thereby granted and secured.

IV.

That said invention is of great value and has gone into extensive use, and plaintiffs have manufactured and sold numerous devices embodying the said invention and the same have been generally adopted and used beneficially by the public at large, and the public at large has recognized the same as a novel, patentable and beneficial invention.

V.

That without the license or consent of plaintiffs, and in violation of the exclusive rights secured to plaintiffs by said letters patent and at divers times since the grant, issuance and delivery of said letters patent to plaintiffs, and for the purpose of competing with plaintiffs and in order to appropriate to themselves the public demand for devices embodying said invention and to divert the trade therein and the profits derivable therefrom from plaintiffs to itself, defendant LeSage & Company, Inc., has, within the City of Los Angeles, State of California, and elsewhere in the United States, caused to be sold and used, and has sold and used, and intends to continue to sell and use, drapery hooks embodying and containing the said invention patented in and by said letters patent, and will continue to do so unless enjoined and restrained by this Court.

VI.

That on the 9th day of March, 1927, the plaintiffs notified defendant in writing of said letters patent and of its infringement thereof; that on the 14th day of March, 1927, defendant, in answer to said notification of infringement, notified plaintiffs that it had ceased infringing said letters

patent by withdrawing the stock of hooks it had on hand from the market and agreed in said letter that it would not further infringe; that notwithstanding said promise and agreement not to further infringe said letters patent, defendant has, since March 14, 1927, infringed said letters patent, and still continues to infringe, and threatens to infringe said letters patent by selling and using drapery hooks embodying and containing the said invention patented in and by said letters patent No. 1,475,306; that thereby defendant has caused plaintiffs great damage, loss and injury, and that defendant has realized great profits, gains and advantages; that plaintiffs do not know exactly to what extent or how many of said devices embodying said drapery hook invention the defendant has sold or used, or caused to be sold or used, or the exact amount of the profits and advantages accrued to the defendant therefrom, and pray full discovery thereof.

WHEREFORE, plaintiffs pray:

(1) For a permanent injunction and a preliminary injunction pending this suit, restraining the defendant, Le-Sage & Company, Inc., its officers, agents, attorneys, servants, employees and representatives, and each of them, from infringing upon said letters patent:

(a) That the defendant be required to account for and pay over to plaintiffs all such gains and profits as have accrued or arisen or been earned or received by it by reason of its unlawful acts as hereinbefore set forth, and all such gains and profits as would have accrued to the plaintiffs but for the unlawful doings of the defendant aforesaid; also all damages sustained by the plaintiffs by reason of the violation and infringement by defendant of plaintiffs' letters patent as hereinbefore complained of, and that your

Honors will increase the actual damages assessed to a sum equal to three (3) times the amount of said assessment under the circumstances of the unlawful, wilful and unjust infringement by the defendant.

(3) That the defendant may be decreed to pay the costs of this suit.

(4) That the plaintiffs may have such other and further relief as the circumstances of the case may require.

(5) That the defendant be required to answer, but not under oath, oath to the answer of said defendant being hereby expressly waived, and

(6) That a subpoena ad res., and writs of injunction, both pendente lite and permanent, issue to said defendant, LeSage & Company, Inc.

McGHEE & JINKS,

By James W. McGhee

Lyon & Lyon

Henry S. Richmond,

Solicitors for Plaintiffs.

[Endorsed]: No M 27 M United States District Court Southern District of California Southern Division. James W. McGhee and Edward C. Jinks, trading as McGhee & Jinks, Plaintiffs vs LeSage & Company, Inc., a corporation, Defendant. Bill of Complaint for Injunction and accounting for infringement of U. S. Letters Patent No. 1,475,306. Filed Jun 11 1927 R. S. Zimmerman, Clerk By R. S. Zimmerman Lyon & Lyon Frederick S. Lyon Leonard S. Lyon 708 National City Bank Building Los Angeles, Cal. Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT, SOUTHERN
DISTRICT OF CALIFORNIA, SOUTH-
ERN DIVISION.

JAMES W. McGHEE and ED- :
WARD C. JINKS, trading as :
McGhee & Jinks, :
 :
Plaintiffs, : No. M 27 M Equity.
vs. :
 :
LE SAGE & COMPANY, :
INC., a corporation, :
 :
Defendant. :
 :

A N S W E R

Now comes the defendant, LE SAGE & COMPANY, INC., and for answer to the bill of complaint avers as follows:

I. Defendant admits that it is a corporation organized and existing under and by virtue of the laws of the State of California, as alleged in paragraph "I" of the bill of complaint, and that it has a principal place of business at Los Angeles, California, within the Southern Division of the Southern District of California, but defendant is not informed, save by said bill of complaint, as to whether plaintiffs are citizens of said City of Los Angeles, trading under the firm name of McGhee & Jinks, and therefore requires such proofs thereof as plaintiffs may be advised.

II. Defendant admits that this is a suit in equity arising under the patent laws of the United States, as alleged in paragraph "II" of the bill of complaint.

III. Defendant admits that Letters Patent of the United States, No. 1,475,306, were granted to plaintiffs on November 27, 1923, but it is without knowledge as to the other allegations contained in paragraph "III" of the bill of complaint, and therefore denies the same.

IV. Defendant denies each and every allegation in paragraph "IV" of the bill of complaint.

V. Referring to paragraph "V" of the bill of complaint, defendant denies each and every allegation in said paragraph contained.

VI. Referring to paragraph "VI" of said bill of complaint, defendant admits that plaintiffs notified defendant in writing of said Letters Patent on or about the ninth day of March, 1927, but it denies each and every other allegation in said paragraph contained.

VII. Defendant further answering avers that said Letters Patent are invalid and void because all material and substantial parts of said alleged invention therein set forth and claimed were described more than two years prior to the application of said James W. McGhee for a patent therefor, or prior to the alleged invention thereof, in the following patents and printed publications:

(a) UNITED STATES LETTERS PATENT.

No. 1,069,999 to Edith B. Ashmore, dated August 12, 1913.

(b) BRITISH PATENTS.

British Patent No. 15,079 of 1910 to Anne Timmis.

" " " 5,780 of 1886 to Henry C. Harrison.

" " " 28,885 of 1912 to French and others.

(c) PUBLICATIONS.

Page 5 of a Manufacturers Catalogue published on or before June 9, 1882 and circulated among the trade and

public both in England and in the United States by James Whitefield & Sons of Birmingham, England.

Page 136 of a Manufacturers Catalogue, published about April 24, 1891, and circulated among the trade and public, both in England and in the United States, by James Whitefield & Sons, of Birmingham, England.

Page 62 of a Manufacturers Catalogue, published in 1895, and circulated among the trade and public, both in England and in the United States, by Tonks, Ltd., of Birmingham, England.

Also other patents and publications not now known to defendant with sufficient accuracy for insertion herein, but which, when ascertained, defendant prays leave to insert herein by amendment.

VIII. Defendant avers that said Letters Patent are invalid because the alleged invention thereof was known to, or used by others in this country before the alleged invention or discovery thereof by said James W. McGhee, to wit: by the patentees of the patents set forth in paragraph "VI" of this answer, their assistants and employees and by H. L. Judd Company, a corporation, of Wallingford, Connecticut, also by various other persons, firms and corporations whose names are not at present known by the defendant with sufficient accuracy for insertion herein, but which, when ascertained, defendant prays leave to insert herewith by amendment.

IX. Defendant avers that said Letters Patent are invalid because the alleged invention thereof had been introduced into public use or placed on sale in this country by various persons or concerns and at various places more than two years prior to the date of the application of James W. McGhee for Letters Patent therefor, to wit:

Edith B. Ashmore at Philadelphia, Pennsylvania, Somerville, New Jersey and elsewhere;

H. L. Judd Company, a corporation at Wallingford, Connecticut, New York, N. Y. and elsewhere, and by various other persons, firms and corporations whose names are at present not known to the defendant with sufficient accuracy for insertion herein, but which, when ascertained, defendant prays leave to insert herein by amendment.

X. Defendant avers that said Letters Patent are invalid because the alleged invention thereof involved no inventive act, in view of the state of the art at the time said invention was alleged to have been made.

WHEREFORE, defendant prays that said bill of complaint may be dismissed with costs to defendant.

Dated, July 28th, 1927.

LE SAGE & COMPANY, INC.,

by

W L LeSage

President.

James E. Neville

Clarke & Bowker

Solicitors for defendant.

Mitchell & Bechert

Of Counsel.

[Endorsed]: Original No. M 27 M Equity. United States District Court, Southern District of California Southern Division. James W. McGhee and Edward C. Jinks, trading as McGhee & Jinks, Plaintiffs, vs. Le Sage & Company, Inc., a corporation, Defendant. Answer Mitchell & Bechert Solicitors for Defendant 420 Lexington Avenue New York, N. Y. Received copy Aug 2- '27 Leonard S Lyon Atty for Plaintiff Filed Aug 2 1927 R. S. Zimmerman, Clerk By Edmund L. Smith Deputy Clerk

At a stated term, to wit: The January Term, A. D. 1928 of the District Court of the United States of America, within and for the Southern Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles on Saturday the 23rd day of June in the year of our Lord one thousand nine hundred and twenty-eight

Present:

The Honorable WM. P. JAMES, District Judge.

James W. McGhee and Edward C.)	
Jinks, trading as McGhee & Jinks,)	
Plaintiffs,)	
vs.)	No. M-27-M Eq.
))
LeSage & Company, Inc., a corpora-)	
tion,)	
Defendant.)	

This cause having been heretofore tried before the Court, evidence having been presented and arguments heard, and the cause having been submitted for decision; and certain objections having been made to the introduction of trade-catalogues and pages therefrom, the Court having first considered such objections in connection with depositions taken in England, which are ordered filed, and said objections are overruled with an exception to plaintiffs; and all matters having been duly considered, the Court finds the device having been marketed by defendant, is substantially that described in the patent of the plaintiffs, but the Court finds that said patent of plaintiff is invalid in that it discloses no invention over devices made and marketed prior to the date of the patent application, and that plaintiffs' device was not new in the art; the Court

IT IS ORDERED, ADJUDGED AND DECREED that the Bill of Complaint be, and the same is, hereby dismissed and that Defendant have judgment against Plaintiffs, and each of them, for the sum of Eighty two and 60/100 dollars, as costs to be taxed by the Clerk of this Court.

Dated at Los Angeles, California, this 6th day of July, 1928.

Wm P. James

District Judge.

Approved as to form provided in Court Rule 44.

Lyon & Lyon

Henry S. Richmond

Solicitors and Counsel for Plaintiffs.

Decree entered and recorded Jul 6- 1928 R. S. Zimmerman, Clerk By Murray E. Wire Deputy Clerk

[Endorsed]: In Equity M-27-M United States District Court Southern District of California Southern Division James W. McGhee and Edward C. Jinks, etc. Plaintiff vs Le Sage & Company, Inc., a corporation Defendant Final Decree Filed Jul 6 1928 R. S. Zimmerman, Clerk By Murray E. Wire Deputy Clerk

IN THE DISTRICT COURT OF THE UNITED
STATES FOR THE SOUTHERN DISTRICT
OF CALIFORNIA, SOUTHERN
DIVISION.

McGHEE & JINKS,)	
)	
Plaintiffs,)	
)	
vs.	)	In Equity No. M-27-M.
)	
LE SAGE & COMPANY,)	
INC.,)	
Defendant.)	

STATEMENT OF TESTIMONY UNDER EQUITY
RULE 75.

This cause came on for trial on May 3, 1928, at ten o'clock A. M., plaintiffs being represented by Henry S. Richmond and Lyon & Lyon, and defendant being represented by Raymond Ives Blakeslee, and James E. Neville, of Clark & Bowker, and George H. Mitchell, of Mitchell & Bechert.

Letters Patent in suit, No. 1,475,306, were introduced in evidence as Plaintiffs' Exhibit 1.

The assignment of an interest in the patent in suit from James W. McGhee to Edward C. Jinks was introduced in evidence as Plaintiffs' Exhibit 2.

A carton of drapery hooks, marked "one gross, No. 372, brass drapery hooks, made in U. S. A.," was introduced in evidence as Plaintiffs' Exhibit 3-A, and it was stipulated by the defendant that the hooks so introduced in evidence were sold by the defendant. An invoice of LeSage

(Testimony of Wilfred L. LeSage—James W. McGhee) & Company was introduced in evidence as Plaintiffs' Exhibit 3-B. It was also stipulated by defendant that the invoice was delivered to the purchaser by the defendant at the time the drapery hooks, Plaintiffs' Exhibit 3-A, were sold.

WILFRED L. LeSAGE,

president of the defendant company, called as a witness on behalf of plaintiff, being first duly sworn, testified as follows, upon Direct Examination:

My name is Wilfred L. LeSage. The letter that you show me was written by me and I am familiar with the contents thereof.

(The letter identified by the witness was introduced in evidence as Plaintiffs' Exhibit 4.)

JAMES W. MCGHEE,

one of the plaintiffs, called as a witness on behalf of plaintiffs, being first duly sworn, testified as follows, upon Direct Examination:

My name is James W. McGhee. I am one of the plaintiffs in this case. My partner is Mr. E. C. Jinks, present here in court. I am engaged in manufacturing drapery hardware, known as the Non-Sew-On drapery hooks, and so forth. The carton of Non-Sew-On drapery hooks shown me are manufactured by McGhee & Jinks. They are made of brass wire. They are manufactured by McGhee & Jinks and sold to the trade. The purpose for which they are sold is to support draperies.

(The carton of Non-Sew-On drapery hooks just identified by the witness was introduced in evidence as Plaintiffs' Exhibit 5.)

(Testimony of James W. McGhee)

I am the inventor or the patentee of patent No. 1,475,306, the letters patent in suit. I have been acquainted with the drapery business since 1900, and in that time I have been acquainted with the kind of drapery hooks commonly sold to the trade. At the time I brought out my patented drapery hook, there was being sold a drapery hook that we used to sew on with needle and thread, requiring thread, needle and labor. I have a sample with me of the hook on a piece of drapery material, sewed on. In comparing the hook that was sewed onto the drapery with the drapery hooks of the patent in suit, I will state in the olden days we had to sew the drapery hooks on as illustrated right here, with thread, which required labor and thread and also time. I conceived the idea of making Non-Sew-On drapery hooks, and this is one of them (exhibiting to the court a drapery hook from Plaintiffs' Exhibit 5). I conceived the idea of making a drapery hook with an arm to go on the outside and to be pointed and to close in against the inside in order to pinch the drapery material, like the bottom of this piece of drapery. That won't fall out of the drapery. When placed in drapery material like this, the material rests on the bottom and is pinched by the hook, and when the hook is ready and the drapery ready for installation they hang on a rod and they are pointed on one end.

We have been manufacturing these Non-Sew-On drapery hooks since the latter part of 1923, and from that time up to the present date we have sold approximately 60,000 gross of these drapery hooks. These drapery hooks have been sold throughout the United States. The Kirsch Manufacturing Company, of Sturgis, Michigan, have taken

(Testimony of John Day)

nearly our output, and they have been sold all over the United States, and I understand some places in foreign countries; I can't say just where. But the Kirsch Manufacturing Company have carried these and advertised them and sold them all over the country.

Upon

Cross-Examination,

Mr. McGhee testified as follows:

The Kirsch Manufacturing Company has not been our sole distributor, but they have handled nearly all our output. I would say 90 per cent or 95 per cent of our output. The Kirsch Manufacturing Company act as jobbers.

“THE COURT: I think we can assume that the device is useful and salable. Now, is there anything else that is important?”

(Plaintiffs rested.)

Defendant introduced the depositions of John Day, R. D. H. Vroom and William H. Edsall.

JOHN DAY,

a witness called on behalf of defendant, being duly sworn, testified as follows, upon

Direct Examination.

My name is John Day. I reside at 509 Center Street, South Orange, New Jersey, and my occupation is manufacturer of hardware. I am connected with the H. L. Judd Company. The H. L. Judd Company are makers of a miscellaneous line of upholstery hardware. My connection at present is president of the company. I have been

(Testimony of John Day)

president since 1900. I have been connected with the company since 1870. I started in business with Mr. Judd when we had one other employee beside myself. My duties were to keep the books, make out the bills, sell the goods, deliver the goods, and do anything else that was to be done around the plant. The factory of the Judd Company is located at Wallingford, Connecticut. It has offices located in Boston, New York and Chicago. It also has a factory at Chattanooga, Tennessee. I am familiar with the manufacture and sale of drapery hooks. My duties during the past year have brought me in contact principally with the sale of various kinds of drapery hooks during the past year. My own office is located at 87 Chambers Street, and I have been in that office a little over fifty years. In other words, the office of H. L. Judd Company has been located in the same building for over fifty years. The brown covered book, having on the outside a large letter "T", that you show me, I am able to identify.

"Q What is that book?

"A Catalogue issued by The Tonks Company of Birmingham, England.

"MR. RICHMOND: Motion is made to strike the answer of the witness on the ground that the witness is not qualified to answer; that the answer of the witness is the conclusion of the witness.

"Q When did you first see that particular volume which you hold in your hand?

"A We have had this book in our possession for many years.

"MR. RICHMOND: Motion is made by counsel for plaintiffs to strike the answer of the witness on the ground that the same is not responsive to the question."

(Testimony of John Day)

It would be impossible for me to say the first particular day that I saw this Tonks catalogue. In 1883 I went over to Birmingham in England and purchased merchandise from the Tonks Company. We continued to buy goods of them for a number of years, and in the course of our business relations with them we received this catalogue. The day we received it I couldn't tell at this time. It has been in our possession more than ten years.

“Q How do you know that you have had this book in your possession for 16 years at least?”

“A I know that we ordered goods from that catalogue by mail and used the catalogue in our business in importing merchandise from Tonks & Company.

“MR. RICHMOND: Motion is made to strike the answer on the ground that the same is not responsive and furthermore is the opinion and conclusion of the witness and not based on personal knowledge.”

When I state we ordered goods from that catalogue, I mean that the orders were made by my direction. The nature of the business of Tonks, Ltd., of Birmingham, England, is manufacturers of metal goods, and that was the business which they conducted when I visited them in 1883.

“MR. MITCHELL: I offer in evidence the book identified by the witness and ask the Notary to mark the same ‘Defendant’s Exhibit No. A, Catalogue of Tonks, Ltd.’”

“MR. RICHMOND: Objection is made to the offer on the grounds that the same has not been properly identified; that the same is not relevant or material; that no proof of its publication has been made and no proof of its circulation. Objection is further made that the offer

(Testimony of John Day)

does not come under the head of 'Publications' set forth in the Revised Statutes."

I recognize the book with the letters "G W" on the outside. In 1881 I went to England and purchased merchandise from George Whitehouse, the publisher of this book. We purchased a great many goods of this firm for many years. I find in this book a letter written by Whitehouse to H. L. Judd Company, soliciting our business and quoting prices on goods illustrated in the catalogue. I saw this book at the time it was received by us. It would come to me, as I was at that time conducting the importation of hardware. The book that I have identified has been in my own possession more than twenty years.

"Q How do you know that that book was published by George Whitehouse?

"MR. RICHMOND: Objection, on the ground that the question is immaterial, irrelevant and incompetent and not the proper method of proof and calls for the opinion and conclusion of the witness.

"A We received the catalogue direct from George Whitehouse with his letter quoting prices on the merchandise represented.

"MR. RICHMOND: Motion made to strike the answer of the witness on the ground that the same is just the opinion and conclusion of the witness."

The letter quoting prices to us is in the book. It is pasted in the book. The letter was in the book when we received it, June 9, 1882.

"MR. RICHMOND: Further objection is made to the letter just testified to by the witness on the ground that the same has not been properly identified; that the same

(Testimony of John Day)

is self-serving; furthermore, that no opportunity was given counsel for plaintiffs to cross-examine the writer thereof. Furthermore, it is the opinion and conclusion of the witness and not founded on fact."

In my last answer I stated that the letter dated June 9, 1882, was pasted in the book which we are discussing, when we received it June 9, 1882, and I make that statement on my own knowledge.

"MR. MITCHELL: I offer the book identified by the witness and ask the Notary to mark the same 'Defendant's Exhibit B, Whitehouse Catalogue (1882).'

"MR. RICHMOND: Objection is made to the introduction of the catalogue marked 'Exhibit B' on the same ground as urged to the offer of Defendant's Exhibit A. Further objection that the same has not been pleaded by defendant in its answer. Further objection to Exhibit B of defendant is urged, now having for the first time seen the so-called letter from George Whitehouse, and objection is made and the court's attention is called that the writing so pasted in the book is not a letter, as it is not signed by anyone."

I recognize the book that you show me as being the Whitefield catalogue. We purchased goods from the Whitefield Company. The Whitefield Company are manufacturers of hardware. We have had the book in our possession for many years.

"Q. When did you first see the book which you are holding in your hand and which you have referred to as a catalogue of the Whitefield Company?

"A I find in the catalogue a date written in the catalogue, '1891'; we have no knowledge as to who wrote that.

(Testimony of John Day)

“MR. RICHMOND: Motion is made to strike the answer on the ground that the same is not responsive to the question.

The book under discussion has been in my possession during the period of time which the Judd Company has had it. That book has been under my personal observation for over twenty years.

“MR. MITCHELL: I offer in evidence the Whitefield catalogue identified by the witness and ask the Notary to mark the same ‘Defendant’s Exhibit C, Whitefield catalogue.’

“MR. RICHMOND: Same objection to the offer as urged to defendant’s Exhibits A and B.”

We used the catalogues, Defendant’s Exhibits A, B and C, to select merchandise which we wished to order from them, and did order. We first purchased merchandise at Birmingham in 1881 and have continued to purchase merchandise more or less ever since. The book that you now show me is the book in which we record our orders for importation of merchandise from abroad. That book is in use at the present time. I can tell by looking at that book that it has been in the possession of the Judd Company since 1882. I base that statement on my own knowledge. I find orders given George Whitehouse for merchandise which we purchased, which confirms my knowledge. The entries in this book were made by our company in the regular course of business. I find in this book reference to the goods of Tonks, Ltd., of George Whitefield and George Whitehouse. They are copies of orders which I placed personally with the manufacturers in Birmingham. Referring to Exhibit D, I find on page

(Testimony of John Day)

31 order from George Whitehouse, and on page 91 from William Tonks. The hook that you hand me is known as the Ashmore hook. It is made for the purpose of hanging draperies and is manufactured by the H. L. Judd Company. In the manufacture and sale of this hook, we refer to it as the Ashmore patented hook.

“MR. MITCHELL: I offer the specimen pin referred to by the witness and request the Notary to mark the same ‘Defendant’s Exhibit E, Ashmore Patented Pin.’”

The pin that you show me is a pin that was made and patented by John Day, myself. This pin has been manufactured and sold by the H. L. Judd Company for many years. The patent was taken out I think about twenty-five years ago. We have sold a great many of them. The purpose for which this hook was used was for hanging draperies. These hooks were sold all over the United States. I do not remember the number of the patent covering this hook.

“MR. MITCHELL: Defendant offers in evidence the so-called ‘Day’ pin referred to by the witness and asks that the same be marked ‘Defendant’s Exhibit F, Day Pin.’”

The order book, Exhibit D, is in use at the present time, but we are importing very few goods today.

On

Cross-Examination,

the witness Day testified as follows:

I have been president of the H. L. Judd Company since 1900, and as president of the Judd Company I am its executive and directing head. I am not acquainted with the defendant corporation, LeSage & Company, but I have met Mr. LeSage once. We sell LeSage & Com-

(Testimony of John Day)

pany merchandise. I mean by "we" the H. L. Judd Company. The H. L. Judd Company manufactured the hooks which were sold by the defendant, LeSage & Company, Inc., which are alleged to infringe the letters patent of plaintiffs. I do not know that the H. L. Judd Company have contributed anything to the defense of the defendants, LeSage & Company, in this suit. H. L. Judd Company, to my knowledge, have not contributed or borne or agreed to bear any of the expense of defendant, LeSage & Company, in this suit now before the court. It is my understanding that eventually the H. L. Judd Company will pay for the cost of defending this suit by the defendant LeSage & Company, Inc. We will protect any customer of ours in any suit brought against it. It is my understanding that the H. L. Judd Company will pay all the expenses of this litigation, but I do not understand that the H. L. Judd Company is conducting the defense. H. L. Judd Company engaged the firm of Mitchell & Bechert, attorneys at law of New York City, to appear as solicitors for defendant in this case. The H. L. Judd Company have agreed to pay the fees of Mitchell & Bechert and the other costs of defending this cause.

I first saw a device like Defendant's Exhibit E about six years ago. I am testifying from unaided recollection. It may have been less than six years ago, of course, but I can find the record to be exact. Some of the testimony that I have given concerning the dates when I first saw the catalogues, Defendant's Exhibits A, B and C, is by my unaided recollection, and some of it is aided. I mean by "aided recollection", referring to Exhibit B, I would call the written quotations made by George Whitehouse, dated

(Testimony of R. D. H. Vroom)

June 9, 1882, pasted in the catalogue, would be aided information. Another thing that aids my recollection is my trip to England in 1881, also in 1883, also in purchasing merchandise from these people selected from the catalogues in question, enables me to say that we had constant use of these catalogues in the conduct of our importations. This book, Defendant's Exhibit D, shows that we made purchases of merchandise about the same time, of merchandise selected from these catalogues. Exhibit D does not refer to the catalogues. It refers only to the merchandise.

I have no knowledge that we have agreed to pay the costs of LeSage & Company, but I will say here that we shall do so. We would be a small concern if we did not do so.

On

Redirect Examination,

Mr. Day testified as follows:

Referring to Defendant's Exhibit E, the Ashmore pin, I can produce a document that would identify the date when we first began to manufacture and sell that pin. The document referred to is a contract made with Mrs. Ashmore, the inventor of the pin. We made a contract with the lady to manufacture and sell the article on a royalty basis. The date on that document would prove what we are saying. My age is between 78 and 79 years.

R. D. H. VROOM,

a witness called on behalf of defendant, being duly sworn, testified as follows:

(Testimony of R. D. H. Vroom)

My name is Robert D. H. Vroom. I reside at Port Richmond, Staten Island. My age is 55. My occupation, sales manager of the H. L. Judd Company. I entered the employ of H. L. Judd Company in 1888, as city bill clerk; I was advanced to out-of-town bill clerk; then purchase ledger clerk; then sales ledger clerk; cashier, then to the sales department. In 1897 I was made a traveling salesman, traveling from Kansas City west. Subsequently, Cincinnati and Columbus were added to my territory. About November 30, 1911, I ceased traveling and came into the store. Since that time I have been in charge of sales, also interested in the manufacturing of our goods, getting up new items. I am now a director and secretary of the company, assistant treasurer, and also still sales manager.

In December, 1911, the key to a private closet was turned over to me. In that closet were the books, Exhibits A, B, C and D. Shortly thereafter I reviewed them with an idea of looking over the early English manufacture and seeing if there was anything we could adapt to our manufacturing business, and found numerous items in those books which were inspirations for goods subsequently made by us. Some of these items are still made in stock and still selling. These books, Defendant's Exhibits A, B and C, from December, 1911, until two or three years ago, reposed in the original private closet. Our private records, however, have so enormously increased of recent years that it was necessary to make more room for records or store these records elsewhere. I then went through all the contents of this closet, dispensed with some old books, but these have been securely packed in a case under my juris-

(Testimony of R. D. H. Vroom)

diction since that time. I do not mean that these books have been securely packed since 1911; probably since 1922. 1911 to 1922 they were in our private closet with a Yale lock. I recognize Defendant's Exhibit D, Judd Foreign Purchase Book, as one of the books. I also recognize the handwriting in that book. The handwriting of some of the items is by Fred Judd, a nephew of H. L. Judd, who came with us about 1880, but who left our service prior to my becoming sales manager in 1912. I also recognize the handwriting of Mr. F. W. Prentiss, who is now treasurer of the company and who is now at 87 Chambers Street. He has not made entry in these books since 1911, at which time he turned them over to me. This book, Defendant's Exhibit D, contains a copy of foreign purchases by H. L. Judd Company. I find in Defendant's Exhibit D references to purchases from Tonks, Ltd., George Whitehouse and George Whitefield. Referring to Defendant's Exhibit D, I have just reviewed the Tonks catalogue and find that we bought from William Tonks towel rails No. 4087, illustrated on page 158 of Exhibit A, the reference being copy of invoice on page 93 of Exhibit D, invoice date May 31, 1883. I also find in catalogue Exhibit B towel rail 549 and 550 on page 8 and then in Exhibit D a copy of foreign invoices, invoiced by Mr. George Whitehouse, dated Feb. 6, 1883, calling for one dozen towel rails 549 and 550 and 551. These catalogues were used to buy goods from English manufacturers due to the fact that they had no representatives traveling in this country.

"MR. RICHMOND: Motion is made to strike the last portion of the witness' answer, 'These catalogues were used to buy goods from English manufacturers due to the fact that they had no representatives traveling in this

(Testimony of R. D. H. Vroom)

country.', on the ground that according to Exhibit D and to the testimony of the witness himself these entries were made several years before the witness came with the H. L. Judd Company or its predecessors; furthermore, that such testimony is the opinion and conclusion of the witness."

Defendant's Exhibit E, the Ashmore hook, was made by the H. L. Judd Company at the Wallingford factory and sent down to New York and I took it out of one of our regular boxes, sent it by a messenger to this office. We began making these pin hooks shortly after the issuance of a patent to Mrs. Ashmore. These goods were on the market before 1918. I am sure our records will show that we made sales prior to 1916. I know of no other hook exactly like the sample, Exhibit E, which was made under Mrs. Ashmore's patent. The Ashmore patent 1,069,999, which you have handed me, is the patent which is referred to in defendant's answer, and that is the patent to which I made reference in my previous answer. The H. L. Judd Company has manufactured hooks like Exhibit E for more than eight years and has offered them for sale all over the United States. They have been offered for sale all over the United States. They have been illustrated in catalogues which have been sent to all parts of the United States, and numerous sales have been made in the United States. There is a document in the files of the H. L. Judd Company which would fix the date when we first began to sell hooks like Exhibit E. The document I refer to is factory records of shipments and bonuses paid to Mrs. Ashmore. There are records in New York showing the actual sales of Ashmore hooks. We sold these hooks under a license from Mrs. Ashmore.

The witness R. D. H. Vroom testified as follows on
Cross-Examination:

I am quite a large stockholder in the H. L. Judd Company and am acquainted with the defendant, LeSage & Company, Inc. The H. L. Judd Company agrees to defend any suit against our clients when we manufacture the merchandise that they buy from us and somebody objects to; The H. L. Judd Company has agreed to defray the expenses of the defense of this suit. I do not know that the H. L. Judd Company has agreed, in the event of a decree being entered against the defendant, LeSage & Company, Inc., for profits and damages, that it will pay any such awards as may be given by the court or not, but if it has not, it will. My testimony regarding the first manufacture of this hook is not based upon my unaided recollection. My testimony in that regard is based upon a copy of the patent, because shortly after the patent was issued we were in production on the hook, I mean the Ashmore pin hook.

The witness Vroom testified as follows on

Redirect Examination:

The paper called "License" that you show me, I recognize. It is a contract entered into by the H. L. Judd Company, Inc., and Edith Bancroft Ashmore, to manufacture and sell exclusively the Ashmore pin. That document aids my recollection or memory, as the case may be, of the date when we began to sell the Ashmore patented pin. We began manufacturing and offering for sale the Ashmore pin within six months after that contract was signed. We were offering the Ashmore pin hooks for sale before January 1st, 1915, probably July of 1914. We

(Testimony of R. D. H. Vroom)

have sold the Ashmore hook continuously since that time. We are selling them today.

“MR. MITCHELL: I offer in evidence agreement between Edith Ashmore and H. L. Judd Company, dated January 14, 1914, and the same is marked ‘Defendant’s Exhibit G, Ashmore Royalty Contract.’

The Ashmore contract is signed for H. L. Judd Company by John Day, President, who is the same John Day that testified here today. I recognize the signature, John Day, President, as being the signature of John Day who testified today.

Recross-Examination

the witness Vroom testified as follows:

The portion or portions of Defendant’s Exhibit G which call to my memory the manufacture of the Ashmore hook in July, 1914, are the words, “Signed at New York, this 14th day of January, 1914.” The reason that the date of the contract, 14th day of January, 1914, fixes the time in my memory, is that it took us two or three months to get out the tools; it took us but a short time to produce the goods after the tools were made. In 1914 business conditions, if you recall, were very unsatisfactory. We hadn’t much work on hand. We had very little new goods in process. It rarely takes us over six months to get out new goods after we have decided to make them. Generally two or three months. My testimony is based on how long it generally takes our company to get under production on a device, rather than upon my memory of the first manufacture of this Ashmore hook, as far as the exact date is concerned, but there is no doubt in my mind that we were manufacturing those goods more than eight years ago.

(Testimony of William H. Edsall)

WILLIAM H. EDSALL,

a witness produced on behalf of defendant, being duly sworn, testified as follows:

My name is William H. Edsall; age 70 plus; residence, Wallingford, Connecticut; occupation, manufacturer. I am Vice-president of the H. L. Judd Company. I have been connected with that company more than 52 years, since 1884 as a director, and since 1900 as vice-president. As to my duties as vice president, I have charge of the manufacturing part of the business. I have been in charge of the manufacturing end of the business over forty years. I recognize Defendant's Exhibit F. It is a hook that was manufactured by us. I would say that we have manufactured it for over forty years. It is made of spring brass wire. We make possibly a dozen styles of other types of spring hooks, and they are mostly made from spring brass wire. We use spring brass wire to make tension. The hook would be of very little value if it did not have tension. I have seen a hook very similar to Defendant's Exhibit 100 for Identification. This hook just shown to me, Defendant's Exhibit 100 for Identification, was manufactured by H. L. Judd Company. It was first manufactured by us in the fall of 1926, I think in the late fall. At that time I did not know of the patent in suit. The letter which you show me I recognize. I dictated it and signed it. I notice there is attached to it what appears to be an envelope. I recognize that envelope as being the envelope in which I mailed the letter. After mailing this letter, it was returned to the post office undelivered.

"MR. MITCHELL: I ask the Notary to mark the letter for identification as 'Defendant's Exhibit 101 for identification.' "

(Testimony of William H. Edsall)

My attention was never called to Letters Patent No. 1,334,661, dated March 23, 1920, to James W. McGhee, but I investigated it myself. The circumstances under which I investigated it are as follows: We had some correspondence in the spring of 1921 with our representative on the coast regarding the manufacturing of this McGhee hook as now made. That correspondence was sent me by Mr. Vroom. I returned it with comment at the time, calling attention to the various hooks that we made, questioning the advisability of putting in another hook in our extendedline. My recollection is the inquiry came regarding supplying McGhee with a quantity of these hooks and as I understood from the correspondence his credit was uncertain and his representation that he was to get a new patent, under the circumstances it was unwise for us to make any agreement with him until we knew the terms of his patent and were satisfied as to his credit. Further consideration of the matter was dropped until the spring of 1926.

I reviewed a copy of the patent and later submitted it to our attorneys, who advised the McGhee hook was not made in accordance with that patent (No. 1,334,661). I never saw a hook made in accordance with patent No. 1,334,661. Our company first learned of the existence of the patent in suit in the spring of 1927.

“MR. MITCHELL: I offer in evidence McGhee patent No. 1,334,661 of March 23, 1920, for a drapery hook for use as part of the witness’s deposition. Notary marks the same Defendant’s Exhibit H.”

(Testimony of William H. Edsall)

On

Cross-Examination

the witness Edsall testified as follows:

The hook that you show me, Defendant's Exhibit 100 for Identification, is the hook that I had the correspondence about in the spring of 1921. The correspondence was had between myself and Mr. Vroom. I don't know where that correspondence is at the present time. The testimony that I am giving at this time is not from my unaided memory or recollection. I have some few copies in my correspondence file with Mr. Vroom with relation to this matter. I have those copies with me. (Witness produces correspondence.)

"MR. RICHMOND: The correspondence just produced by the witness is introduced in evidence as Plaintiff's Exhibit No. 200 to the deposition of William H. Edsall. The Notary is asked to mark the same accordingly."

The correspondence which is mentioned in Plaintiff's Exhibit 200 to the deposition of William H. Edsall, I returned to Mr. Vroom. We did not begin the manufacture of hooks like Defendant's Exhibit 100 for Identification until 1926. The circumstances that caused us to commence the manufacture of such hooks at that time was probably the call from our representative on the coast. I mean that there was a demand for such a hook on the Pacific coast at that time. Our representative on the Pacific coast did not send samples of the McGhee hook directly to me, but I received the hooks from our New York office. I am unable to state whether I received the samples from our New York office through the mail or whether the sample was delivered personally. The sample furnished by the New York office

(Testimony of William H. Edsall)

was contained in a carton. This carton was not labeled that they were manufactured by McGhee & Jinks at Los Angeles, California, and that Kirsch Manufacturing Company was the distributor of those hooks. The carton was labeled, according to my recollection, substantially, "one gross of hooks, patented, McGhee & Jinks, Manufacturers, Los Angeles." That is my recollection. When I received this carton of McGhee & Jinks hooks, I recognized these hooks as being similar hooks that I had considered in 1921, and to which I referred in my correspondence, Plaintiff's Exhibit 200 to the deposition of William H. Edsall. By the use of the word "similar", I mean that the hooks were identical in construction. It is my recollection that I was informed in 1921 that Mr. McGhee was going to apply for a patent on the hooks like Defendant's Exhibit 100 for Identification. I wrote to McGhee & Jinks direct. I had never had any direct correspondence with McGhee & Jinks in 1921 concerning these hooks. I cannot tell you why I did not seek the information from our Pacific coast representative. We did not have our patent attorneys make a search to find whether a patent had been issued to McGhee. We commenced manufacturing the alleged infringing hook about six months after receiving the sample of the McGhee hooks from our New York office in 1926. I cannot fix the day and month from my memory the first manufacture of the alleged infringing hook, but I can obtain it from our records; but I would say it was in the late fall of 1926. I believed in 1926 that the McGhee mentioned on the label of the carton was the same McGhee who had had the matter of manufacturing the identical hook up with our company in 1921. I had before me at our plant in

(Testimony of R. H. H. Vroom)

Wallingford, Connecticut, the McGhee & Jinks hook at the time we designed and manufactured the alleged infringing hook like Defendant's Exhibit 100 for Identification. Apparently the McGhee & Jinks hook and Defendant's Exhibit 100 for Identification are made of the same material, which is spring brass wire. They are both made for the same purpose, and, I assume, are sold in open competition with each other, and the purpose for which we manufactured the alleged infringing hook was to sell them to the trade in competition with the McGhee & Jinks hook.

The witness R. D. H. Vroom, recalled for further
Cross-Examination,

testified as follows:

In 1926 I furnished a carton of McGhee & Jinks hooks to Mr. Edsall of our company, and the purpose of furnishing those McGhee hooks to Mr. Edsall was to see if in his opinion we could make it without infringing anybody's patent. The box, as I recall, was marked "McGhee & Jinks." I am not certain that it gave the location of the manufacture. I am certain that it bore no patent date. I think it was marked "Patented." After these hooks were furnished to Mr. Edsall, Mr. Edsall reported that his file indicated that McGhee & Jinks had taken out a patent on a pin hook, but that the hook and the box marked "Patented" was not made under patent No. 1,334,661, which was the only patent that he had in his file. I did not know that the H. L. Judd Company had considered the manufacture of the identical hook in 1921 for Mr. McGhee. I cannot affirm that the hook mentioned in Plaintiff's Exhibit No. 200 to the deposition of William H. Edsall is the identical

(Testimony of William H. Edsall)

hook of the patent in suit. I cannot state at this time that the construction of the hook is as referred to in Plaintiff's Exhibit 200 to the deposition of William H. Edsall. I have no memory or recollection concerning the hook referred to in Plaintiff's Exhibit 200 to the deposition of William H. Edsall, and this correspondence, Plaintiff's Exhibit 200 to the deposition of William H. Edsall, does not refresh my memory or recollection.

WILLIAM H. EDSALL

was recalled on behalf of defendant for
Redirect Examination,
and testified as follows:

My office is now at Wallingford, Connecticut. It has not always been located there, but was formerly in Brooklyn. It was removed to Wallingford in 1896. I am not familiar with Defendant's Exhibits A, B or C. In 1921, when I had the correspondence with our New York office, which has been marked Plaintiff's Exhibit 200 attached to the deposition of William H. Edsall, I did not know about the Tonks hook No. 200 illustrated on page 62 of Defendant's Exhibit A. I did not learn of it until this fall. I think Mr. Day wrote me something to that effect. In 1921, when this correspondence passed, Plaintiff's Exhibit 200, I did not know of the Whitehouse hook No. 690, and the Whitehouse hook 691, shown on page 5 of Exhibit B. In 1921, at the time of this same correspondence, Plaintiff's Exhibit 200, I did not know of the Whitefield hook No. 105 and the hook 108 illustrated on page 136 of Defendant's Exhibit C. In 1921 I had not examined any of the following British patents: No. 5870 of 1886; No. 28885 of 1912, and 15079 of 1910.

(Testimony of R. H. H. Vroom)

R. D. H. Vroom,

a witness on behalf of defendant, recalled for further

Cross-Examination,

testified as follows:

To the best of my knowledge and belief, the H. L. Judd Company, during the time that I have been with that company, has not had catalogues of Tonks of later date than Exhibit A. I do not know of my own knowledge that H. L. Judd Company or its predecessors had later editions of the Tonks catalogues, because catalogues come in and I do not always see them. It is not my testimony that the items I have testified about that were ordered from Tonks might have been ordered from later catalogues than Exhibit A. I know that is not correct, because we haven't bought goods from Tonks in a great many years. My testimony is that we may have received a later catalogue from Tonks and the same may not have come to my notice. I also know that we have made no purchases from Tonks in a great many years. I can certify that the items testified to by me in my redirect examination were ordered from catalogue, Defendant's Exhibit A, and were not ordered from later catalogues. I was not in the employ of the H. L. Judd Company or its predecessor or predecessors at the time the items were ordered from Tonks, Ltd. In 1912 the records of our foreign purchases and foreign catalogues were turned over to me. These records are exhibits in this case. These are the only catalogues that we had reference to in making purchases from the English manufacturers prior to 1912. We practically have made no foreign purchases of drapery hardware in the last fifteen years, manufacturing or

(Testimony of R. H. H. Vroom)

obtaining from American manufacturers what goods we offered for sale. I do not know of my own knowledge what catalogues were used by H. L. Judd Company or its predecessors in ordering goods from foreign manufacturers prior to 1912, and I do not know of my own knowledge what catalogues of foreign manufacturers were received by H. L. Judd Company or its predecessors prior to 1912.

On

Re-Direct Examination

the witness Vroom testified as follows:

In December, 1911, I finished my duties as traveling salesman. I came into the store, with the assurance that I would be made an officer of the company, but was immediately instructed to take up the duties of sales manager. I was handed the key of a locker containing old records and old catalogues. These catalogues were reviewed by me in December, 1911, with the idea of endeavoring to find some items in these early publications that could be made in our factory. Some items shown in these catalogues have been made by us for years. We are still selling some of them. In 1911, when I was given the key to this cabinet, I saw the volumes which have been marked in evidence here as Plaintiff's Exhibits A, B, C and D, and these volumes have been ever since that date in the same locker for at least ten years. Subsequently, to make room for other records, more modern records, they have been sealed. They have been sealed for three or four years, possibly five. That locker was opened quite frequently, because each month we placed therein our salesmen's records.

(Testimony of R. D. H. Vroom)

On

Recross-Examination

the witness Vroom testified as follows:

I stated on redirect examination that upon the delivery of these old records and catalogues to me in December, 1911, that I reviewed them with the purpose of manufacturing some of them for sale by our company. We made items that were similar to those shown in the catalogues. I got my inspiration from those old catalogues for those articles that our company manufactured. In the review of these old catalogues, I did not find anything therein that gave me the inspiration to manufacture a drapery hook like Defendant's Exhibit 100 for Identification. In my review of these catalogues, I probably saw the Tonk's hook No. 200 on page 62, but paid no attention to it.

On

Redirect Examination,

the witness Vroom testified as follows:

The reason I did not pay any attention to it was that I was looking at that time for ideas that would supply us with ornate merchandise that run into money rather than looking for little wire articles that run into quantity and not dollars. The manufacture and sale of drapery hardware is subject to changes in fashion. I mean by that that we have in our line today items that we made twenty-five and thirty years ago, illustrated in old catalogues which after running awhile would drop and have subsequently come back. When I first started traveling in 1897 there was a demand for ornate hardware, furnishings, and furniture. The empire style was prevailing. We sold quantities of expensive hardware, also large numbers of

(Testimony of John Day)

onyx tables, cabinets, etc. Subsequently the style changed and demand developed for fixtures that did not show the hardware,—everything concealed. Onyx tables and cabinets have gone entirely out of style. There is now a recurrence and the hardware in the home is very prominent.

John Day,

a witness called on behalf of defendant, recalled for further
 Redirect Examination,
 testified as follows:

The book, Defendant's Exhibit D, records the orders placed for foreign merchandise. The merchandise that I referred to in my direct examination referred to the merchandise exhibited in the catalogue, hardware. I mean the catalogue of the manufacturer of whom we were purchasing. For instance, if we were purchasing merchandise from that catalogue (indicating), we wouldn't be referring to some other catalogue. In my testimony, where I used the word "merchandise," I was referring to the merchandise shown in any of the catalogues, Defendant's Exhibits A, B or C.

"MR. MITCHELL: I offer in evidence certified copy of file wrapper and contents of the patent in suit, and the same is marked by the Notary, 'Defendant's Exhibit J'.

"I offer in evidence copy of British patent to French, No. 28885, of December 16, 1912, certified by the Commissioner of Patents, and the same is marked 'Defendant's Exhibit K'.

"I offer in evidence copy of British patent to Harrison, of April 28, 1886, certified by the Commissioner of Patents, and the same is marked 'Defendant's Exhibit L'.

(Testimony of John Day)

"I offer in evidence copy of British patent to Timmis, of June 23, 1910, certified by the Commissioner of Patents, and the same is marked 'Defendant's Exhibit M'.

"I offer in evidence printed copies of the following United States Letters Patent:

Fay	15,226, July 1, 1856,
Gunn	303,370, Aug. 12, 1884,
Riggs	392,363, Nov. 6, 1888,
Nash	404,102, May 28, 1889,
Savage	728,769, May 19, 1903,
Lacoin	751,305, Feb. 2, 1904,
Bliemeister	1,170,601, Feb. 8, 1916,

and the same are marked collectively 'Defendant's Exhibit N, Prior Art Patents'.

"MR. RICHMOND: Objection is made to the introduction of the above United States patents, unless limited for the sole purpose of showing the state of the art. Objection is specifically made to the introduction of these prior patents as Exhibit N, on the ground that they have not been pleaded and therefore cannot be introduced for the purpose of anticipating the patent in suit.

"MR. MITCHELL: Plaintiff offers in evidence printed copy of Ashmore patent No. 1,069,999, dated August 12, 1913, and the same is marked 'Defendant's Exhibit O'."

"MR. BLAKESLEE: We offer a certified copy of a public record of Great Britain, vised by the United States Consul at London, with respect to copyrighting of the Tonks catalog, which is in evidence and which has gone to Europe on the commission, and with it a photostatic copy of the particular sheet of material on that issue of

(Testimony of John Day)

prior publication, and showing in cut No. 200 a particular form of hook which we rely upon. We offer these two together as Defendant's Exhibit AA, to start a new series.

"MR. RICHMOND: That is objected to on the ground it is incompetent, irrelevant and immaterial. The proper foundation has not been laid, and there is nothing in the certificate to show that it refers to the photostatic copy that is offered with it as a part of the exhibit. And, furthermore, that the document, such as the certified copy is supposed to be of a copyright, is not made by the proper authorities and is not admissible under the statute as required in such cases.

"THE COURT: You may submit the offer and the objection to it, to be considered if the depositions come.

"MR. BLAKESLEE: We will offer at this time, as Defendant's Exhibit BB, a photostat copy of a particular page of the Whitehouse catalog, which also is in transit in connection with the commission abroad, for the present use of the court, of course to be connected up with the catalog which was offered in evidence in New York, calling particular attention to cut No. 691, on the same grounds we made the offer of Exhibit AA.

"MR. RICHMOND: The same objection as was urged against Defendant's Exhibit AA, is urged against the introduction of Defendant's Exhibit BB.

"THE COURT: Yes, and the same understanding, with a reserved ruling.

"MR. BLAKESLEE: We offer in evidence a letter, as Defendant's Exhibit CC.

"We also offer in evidence a letter dated March 31, 1926, from H. L. Judd Company, Inc., signed by Mr. Edsall, vice president, to the plaintiff here.

(Testimony of John William Whitehouse)

“MR. RICHMOND: I object to that on the ground it is self-serving; that it is incompetent, irrelevant and immaterial and not responsive to any of the issues in this case.

“THE COURT: Let me see it. It may be filed on the question of good faith, for whatever it may be worth. It may go to the question of damages.”

(The letter was marked Defendant’s Exhibit DD.)

“MR. BLAKESLEE: We would like to offer also a box of plaintiffs’ small size drapery hooks.”

(The box of hooks was marked Defendant’s Exhibit EE.)

Defendant introduced in evidence the deposition of John William Whitehouse, of Birmingham, England.

JOHN WILLIAM WHITEHOUSE,

a witness called on behalf of defendant, being duly sworn, testified as follows:

My name is John William Whitehouse; age 51 years; of the firm of George Whitehouse & Co., (Birmingham), Ltd., 48 William Edward Street, Birmingham, England, tube drawers and brassfounders. I have been connected with George Whitehouse & Co. and its predecessor for 35 years. I was the son of George Whitehouse, and served in every capacity, from clerk to managing director. I was connected with the business formerly conducted by George Whitehouse in Birmingham, England, since 1892 to date. I started as clerk, and through succeeding grades to managing director. The firm of George Whitehouse was converted into George Whitehouse & Co., (Birmingham), Ltd., upon the death of the late George Whitehouse, for

(Testimony of John William Whitehouse)

family reasons. I was familiar with the sales and advertising methods employed prior to September 22, 1920, by George Whitehouse and by George Whitehouse & Co., (Birmingham), Ltd., and fully acquainted with all details of the business. To my certain knowledge, I can identify the purple-covered book (marked in this suit "Defendant's Exhibit B, Whitehouse Catalogue 1882"), and particularly page 5 thereof. It is the catalog for general issue to customers inquiring for such goods issued by George Whitehouse and containing illustrations of goods produced and sold by George Whitehouse. I cannot be certain of the exact date when this book was printed, but undoubtedly prior to the 1892. This catalog has been widely distributed by George Whitehouse & Co., (Birmingham), Ltd., for many years prior to 1920 to practically all customers of the firm, such as ironmongers, house furnishers and shop fitters. It was available to anyone applying for the goods of George Whitehouse & Co., (Birmingham), Ltd., up to about the year 1895, when it was superseded by a new one. Not to my knowledge were any copies of the book herein referred to (Defendant's Exhibit B) ever deposited in a library or other place open to the public prior to September 22, 1920. No copies of the book herein referred to (Defendant's Exhibit B) were ever deposited in a library or other place open to persons interested in the manufacture or sale of the articles shown therein, prior to September 22, 1920. The sheet of paper entitled "Memorandum", dated June 9, 1882, attached to the inside of the front cover of this book (Defendant's Exhibit B) I can identify as a memo-

(Testimony of Harold Norman Wright)

randum and a quotation of prices of that date from George Whitehouse & Co., (Birmingham), Ltd.

Defendant introduced the deposition of Harold Norman Wright.

HAROLD NORMAN WRIGHT,

a witness called on behalf of the defendant, being duly sworn, testified as follows:

My name is Harold Norman Wright; age 34; of 201 Moseley Street, Birmingham, England; secretary of Tonks (Birmingham), Ltd. I am now secretary of Tonks (Birmingham), Ltd., and have been such since 1921. I was never conected with Tonks, Ltd., of 201 Moseley Street, Birmingham, England. The present firm of Tonks (Birmingham), Ltd., was for many years, up to about 1919, known as Tonks Ltd., these names referring to the same company. The additional word "(Birmingham)" was added to the title of the firm about 1919. I am not familiar with the sales and advertising methods employed prior to September 22, 1920, either by Tonks Ltd. of 201 Moseley Street, Birmingham, England, nor by Tonks, (Birmingham), Ltd. I can identify the brown covered book accompanying these interrogatories, and particularly page 62 thereof (the book being marked in this suit "Defendant's Exhibit A, Catalog of Tonks Ltd." The book, Defendant's Exhibit A, is a catalogue of builders' hardware and general brassfoundry, issued by Tonks Ltd. in 1895, and bears our well known trade mark, the sun, with the words underneath W. T. & S., the original name of the firm being William Tonks & Sons; The book was

(Testimony of Harold Norman Wright)

issued in 1895. This book was circulated in 1895 and for some years after that date, until the next catalog was printed, which, to the best of my recollection, was 1905. It was of course circulated by Tonks Ltd. to all their customers, and would certainly run into several hundreds of copies. These books were distributed mainly to iron-mongers and hardware dealers. Prior to September 22, 1920, the book was available for examination by anyone calling at our office, and I have at present in my desk an identical copy of this edition. It is improbable, however, that without some very particular reason a copy would be sent out to anyone asking for it during the last few years, owing to the fact that many patterns in it are obsolete. It is improbable that any copies of this edition would be sent out after the publication of a later one, which took place about 1905. Many of the illustrations in this book are our own registered designs and patterns, which of course were duly registered or patented at the Patents Office. There are, however, many articles which were and are manufactured by members of the brassfoundry trade. I do not know whether Tonks Ltd. deposited one or more copies of the book (Defendant's Exhibit A) for the purpose of obtaining copyright protection. I do not know whether or not Tonks Ltd. ever obtained a copyright on said book (Defendant's Exhibit A). Without doubt, Tonks, Ltd., designated on the photostatic copy of the certificate entitled "Public Record Office Copy," accompanying these interrogatories, is the Tonks, Ltd., of 201 Moseley Street, Birmingham, the company about which I have been testifying. The "Centenary Edition of General Brassfoundry 1895", given in said certificate, as the title

(Testimony of Harold Norman Wright)

of the book copyrighted, is the book heretofore mentioned as "Defendant's Exhibit A, , Catalogue of Tonks, Ltd." Tonks Ltd., 201 Moseley Street, Birmingham, distributed or circulated prior to September 22, 1920, a book entitled "Centenary Edition of General Brassfoundry 1895". Tonks Ltd. printed and distributed or circulated more than one book, with this same title, that is, "Centenary Edition of General Brassfoundry 1895." I do not know whether or not one or more copies of the book (Defendant's Exhibit A) were ever deposited in a library or other place open to the public, prior to September 22, 1920. I do not know whether or not one or more copies of the book ("Defendant's Exhibit A") were ever deposited in a library or other place open to persons interested in the manufacture or sale of the articles shown therein, prior to September 22, 1920.

[Endorsed]: No. M-27-M. United States District Court Southern District of California Southern Division. McGhee & Jinks, plaintiffs vs. Le Sage & Company, Inc., defendant. Statement of Testimony Under Equity Rule 75. Due Service and receipt of a copy of the within Statement of Testimony is hereby admitted this 11th day of December, 1928. Raymond Ives Blakeslee, atty for appellee. Lodged Dec. 11 1928, R. S. Zimmerman, Clerk, by M. L. Gaines, Deputy Clerk. Engrossed Statement of Evidence Filed Dec. 24, 1928. R. S. Zimmerman, Clerk, by Edmund L. Smith Deputy Clerk. Lyon & Lyon, Frederick S. Lyon, Leonard S. Lyon, Lewis E. Lyon 708 National City Bank Building, Los Angeles, Cal. Attorneys for plaintiffs.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION.

McGHEE & JINKS,) In Equity No. M-27-M.

Plaintiffs-Appellants,) On Appeal by Plaintiffs to U. S.
—vs—) Circuit Court of Appeals for the
) Ninth Circuit.

LE SAGE & COM-) STIPULATION AS TO
PANY, INC.,) TRANSCRIPT OF RECORD
Defendant-Appellee.) AND EXHIBITS ON
) APPEAL.

Plaintiffs-Appellants having served upon counsel for Defendant-Appellee copy of "Statement of Testimony under Equity Rule 75" and Notice of Lodgment of Said Statement and Request for Approval Thereof, and Præcipe for Transcript of Record on Said Appeal, and the same having been examined, checked and considered by counsel for Defendant-Appellee, and in order to expedite said appeal and waive the necessity of formal approval of said Statement and filing of Præcipe under Equity Rule 75 by defendant-appellee,

IT IS HEREBY STIPULATED AND AGREED by and between the parties to this cause, as follows:

That the said Statement of Testimony filed by plaintiffs be and stand amended as follows: Cancel "right", first word line 1, page 3; substitute "rod" for "road", line 11, page 3; substitute "87" for "8", line 22, page 4; substitute "of" for "if", line 5, page 6; substitute "soliciting" for "citing", line 11, page 6; substitute "Whitehouse" for "Whisehouse", line 18, page 6; substitute "Whitefield" for "Whitfield", lines 22 and 27, page 7, and lines 4, 6 and 22, page 8; substitute "this" for "thos", line 5, page

9; cancel "Company", second occurrence, line 21, page 9; substitute "quite" for "quote", line 31, page 13; substitute "rarely" for "rearily", line 15, page 15; substitute "1920" for "1922", line 9, page 17; substitute "Pacific" for "pacific", lines 1 and 23, page 18.

IT IS FURTHER STIPULATED AND AGREED that all of the physical Exhibits offered in evidence in this cause be transmitted by the Clerk of this Court to the Clerk of the U. S. Circuit Court of Appeals, with the Transcript, including Plaintiff's Exhibits 3-A and 5; and Defendant's Exhibit E, Ashmore Patented Pin, and Defendant's Exhibit F, Day Pin, together with Defendant's Exhibit A, Catalogue of Tonks, Ltd., Defendant's Exhibit C, Whitefield Catalogue, and Defendant's Exhibit D, H. L. Judd Company's Foreign Order Book, all the latter being introduced in connection with the depositions of Day, Edsall and Vroom taken in the case; together with Defendant's Exhibit G, Ashmore Royalty Contract, Defendant's Exhibit 100 attached to depositions, and Defendant's Exhibit 101, registered letter to McGhee & Jinks, Plaintiffs' Exhibit 200 attached to deposition of William H. Edsall, and Plaintiffs' Exhibit photostatic copy of certificate of Public Record Office Copy, referred to in Interrogatory 15 to W. H. Tonks or Harold Norman Wright, and Defendant's Exhibit EE.

AND IT IS FURTHER STIPULATED AND AGREED that true and complete copies of the following Exhibits be contained and included in the printed transcript of record on appeal, to-wit: Defendant's Exhibit H, U. S. Patent to McGhee, No. 1,334,661 of May 23, 1920; Defendant's Exhibit AA, print, and Defendant's Exhibit BB, print;

AND IT IS FURTHER STIPULATED AND AGREED that a true and complete copy of this stipulation be likewise contained and included in said transcript of record on appeal.

Dated: Los Angeles, California, December 24, 1928.

Lyon & Lyon

Henry S. Richmond

Solicitors and Counsel for Plaintiffs-Appellants.

Mitchell & Bechert

James E Neville

Raymond Ives Blakeslee

Solicitors and Counsel for Defendant-Appellee

Approved

Wm P James

U. S. District Judge

[Endorsed]: M-27-M United States District Court Southern District of California Southern Division McGhee & Jinks, Plaintiffs-Appellants, vs Le Sage & Company, Inc., Defendant-Appelle. Stipulation as to Transcript of Record and Exhibits on Appeal. Filed Dec. 24 1928 R. S. Zimmerman, Clerk, By Edmund L. Smith Deputy Clerk Raymond Ives Blakeslee Solicitor and Counsel for Defendant-Appellee 433 South Spring Street, Los Angeles, California.

UNITED STATES DISTRICT COURT SOUTHERN
DISTRICT OF CALIFORNIA SOUTH-
ERN DIVISION

JAMES W. McGHEE and)
EDWARD C. JINKS,)
trading as McGHEE &)
JINKS,)
Plaintiffs-)
Appellants,) In Equity No. M-27-M
vs.)
LeSAGE & COMPANY,)
INC., a corporation,)
Defendant-)
Appellee)

NOTICE OF LODGMENT OF STATEMENT OF
EVIDENCE UNDER EQUITY RULE 75 AND
OF REQUEST FOR APPROVAL THEREOF

To the above named defendant and to Mitchell & Bechert,
Raymond Ives Blakeslee, and James E. Neville, its
attorneys:

You and each of you will please take notice that on behalf of the above named plaintiffs-appellants James W. McGhee and Edward C. Jinks, we have this day lodged in the Clerk's office of the United States District Court in the Federal Building, Los Angeles, California, a statement of evidence adduced on the trial of the above entitled cause in simple and condensed form as required by Equity Rule 75;

Also please take notice that at the hour of 10 o'clock A. M. on Monday, the 24th day of December, 1928, at the courtroom of the Honorable William P. James, United States District Judge, in the Federal Building, Los Angeles, California, or at whatever time and place and before

whatever Judge this matter may be legally assigned for hearing, we shall ask said Court or judge to approve the statement of evidence hereinbefore mentioned as a true, complete and properly prepared statement of evidence for use on appeal of said cause, and shall upon such approval file such statement as part of the record for the purpose of said appeal under the provisions of said Equity Rule 75. Dated this 11th day of December, 1928.

Lyon & Lyon

Henry S. Richmond

Attorneys for Plaintiffs-

Appellants

[Endorsed]: No. M-27-M United States District Court Southern District of California Southern Division James W. McGhee and Edward C. Jinks, trading as McGhee & Jinks, Plaintiffs-Appellant vs Le Sage & Company, Inc., a corporation, Defendant-Appellee Notice of Lodgment of Statement of Evidence under equity rule 75 and of request for approval thereof Due Service and receipt of a copy of the within Notice of Lodgment is hereby admitted this 11th day of December, 1928. Raymond Ives Blakeslee atty for appellee Filed Dec 11 1928 R. S. Zimmerman, Clerk By M. L. Gaines Deputy Clerk Lyon & Lyon Frederick S. Lyon Leonard S. Lyon Lewis E. Lyon 708 National City Bank Building Los Angeles, Cal.

15 Fig. 1.

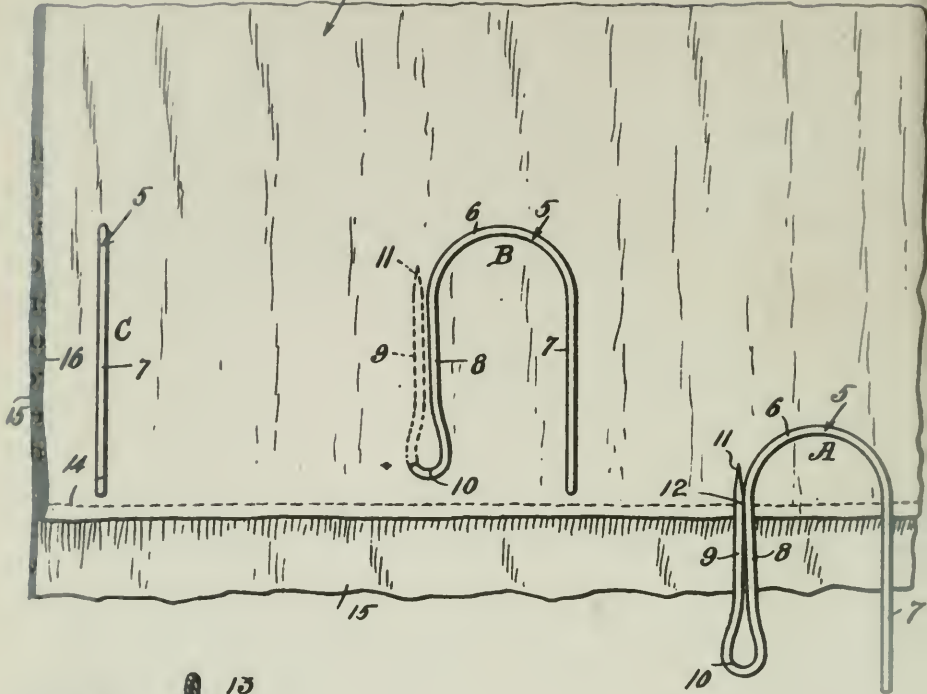
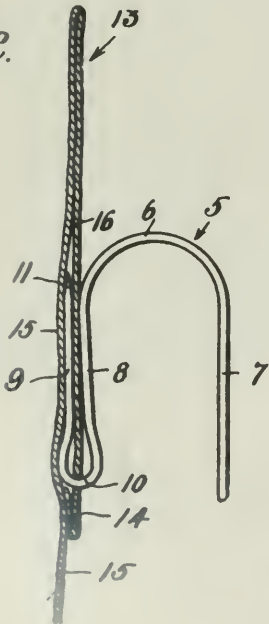


Fig. 2.



INVENTOR.
James W. McGhee
 BY
Edmund O. Thomas
 ATTORNEY.

1475306

THE UNITED STATES OF AMERICA
TO ALL TO WHOM THESE PRESENTS SHALL
COME:

Whereas JAMES W. MCGHEE, of Los Angeles, California, assignor of one-half to EDWARD C. JINKS, of Los Angeles, California, has presented to the Commissioner of Patents a petition praying for the grant of Letters Patent for an alleged new and useful improvement in DRAPERY HOOKS, a description of which invention is contained in the specification of which a copy is hereunto annexed and made a part hereof, and has complied with the various requirements of Law in such cases made and provided, and

Whereas upon due examination made the said Claimant is adjudged to be justly entitled to a patent under the Law.

Now therefore these Letters Patent are to grant unto the said James W. McGhee and Edward C. Jinks, their heirs or assigns for the term of Seventeen years from the twenty-seventh day of November, one thousand nine hundred and twenty-three, the exclusive right to make, use and vend the said invention throughout the United States and the Territories thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed at the City of Washington this twenty-seventh day of November, in the year of our Lord one thousand nine hundred and twenty-three, and of the Independence of the United States of America the one hundred and forty-eighth.

(Seal)

Thomas E. Robertson

Attest:

Commissioner of Patents.

G. P. Tucker

Law Examiner.

(Photo.)

Patented Nov. 27, 1923.

1,475,306

UNITED STATES PATENT OFFICE.

JAMES W. MCGHEE, OF LOS ANGELES, CALIFORNIA, ASSIGNOR OF ONE-HALF TO
EDWARD C. JINKS, OF LOS ANGELES, CALIFORNIA.
DRAPERY HOOK.

Application filed September 23, 1922. Serial No. 590,013.

To all whom it may concern:

Be it know that I, JAMES W. MCGHEE, a citizen of the United States, residing at Los Angeles, in the county of Los Angeles and State of California, have invented new and useful Improvements in Drapery Hooks, of which the following is a specification.

My invention relates to drapery hooks, particularly adapted to be detachably secured adjacent the upper edge of a drapery and to engage over a rod, in order that the drapery may be properly hung in place at a window or other opening; and is designed as an improvement on the hook shown and described in the reissue patent entitled Drapery hooks, bearing Number 15263, granted to me Jan. 10th, 1922.

The hook described in the above mentioned patent, although very efficient, has not proven entirely satisfactory, inasmuch as the sharp exposed points on the hook end frequently pricks the fingers of the person handling the drapery, and causing damage to the fabrics by becoming entangled therein; moreover the time consumed in threading the hook through the fabric is objectionable.

It is the object of my present invention to provide a hook for the purpose above described, which will overcome the above recited difficulties and which will be simple, durable, efficient and inexpensive of manufacture, and which may be easily and quickly adjusted to the drapery material.

Another object of my invention is to provide a hook which when secured in position will become yieldingly locked to the drapery material, thus guarding against its becoming accidentally displaced therefrom.

The above and other objects of my invention will be more fully disclosed in the following specification, reference being had to the accompanying drawings in which:

Fig. 1 is a back view of the top edge of a fragment of drapery showing the various stages of the application of my improved hook thereto.

Fig. 2 is a section through the same, taken on the line 2—2 of Fig. 1 viewed in the direction indicated by the arrows.

In carrying out my invention the hook is formed of medium hard and preferably spring wire, bent to form the U shaped hook 5 having the arch 6 adapted to engage over a curtain rod, the hook end 7, and the shank portion 8. The wire at the end of the shank 8 is so bent as to form an arm 9 which extends upwardly along the outer edge of the shank and terminates adjacent the arch 6, the bend at the junction of shank 8 and arm 9 forms a spring loop 10 and the end of arm 9 is sharpened to a point 11, said point extending slightly beyond the junction between the shank 8 and the arch 6 as clearly shown in the drawings. The end of the arm 9 just below the point 11 is adapted to normally rest against the shank 8 as shown at 12.

The top portion of a drapery is shown at 13 which comprises a fabric which is folded upon itself and hemmed at 14 to form the adjacent parallel walls 15 and 16, the wall 15 constituting the body of the drapery.

In Fig. 1 of the drawings the hook designated by the letter A is shown in a position ready to be inserted into the fabric. By tilting the hook slightly sidewise it will be obvious that the fabric wall 16 may be pierced by the point 11 of arm 9 and the hook pressed upward into the fabric as shown at B, the arm 9 resting between the walls 15 and 16 and the wall 16 being impinged between the arm 9 and shank 8, thus holding the hook yieldingly locked in position to the fabric and thoroughly concealing the arm 9 from view. The hook may then be readily turned to assume the position shown at C and then conveniently placed over the curtain rod.

By the above recited construction it will be apparent that the main weight of the drapery will be supported by the loops 10 of the hooks and that the hemmed portion will be held upwardly by reason of being impinged between the shank 8 and arm 9.

It will be observed that when the hooks are secured in position on the draperies, that the pointed ends 11 of arm 9 are concealed between the folds of fabric, and consequently all danger of the hooks becoming entangled in the fabric after attachment thereto is obviated.

What I claim is—

A drapery hook, formed of a single piece of wire bent intermediate of its ends into substantially U shaped formation to provide an arch, a hook end and a shank portion, the end of the shank portion being bent to form a spring loop, and an arm extending upwardly from the loop dis-

posed along the outer edge of said shank and terminating adjacent the junction between the shank and arch, the extreme end of the arm being pointed.

In witness that I claim the foregoing I have hereunto subscribed my name this 12th day of Sept. 1922.

JAMES W. MCGHEE.

[Endorsed]: No. M-27-M McGhee & Jenks vs. Le Sage & Co Pltf Exhibit No. 1 Filed 5/3 1928 R. S. Zimmerman, Clerk By Murray E. Wire, Deputy Clerk

Edmund A. Strause Patent Attorney 500 H. W. Hellman Bldg. Los Angeles, Cal.

ASSIGNMENT

For and in consideration of the sum of Ten dollars to me in hand paid, the receipt whereof is hereby acknowledged, I, JAMES W. MCGHEE, a citizen of the United States, residing at Los Angeles, in the County of Los Angeles, and State of California, do hereby sell, assign and transfer unto EDWARD C. JINKS, a citizen of the United States, residing at Los Angeles, in the County of Los Angeles, and State of California, an undivided one-half interest in the United States in and to an invention entitled DRAPERY HOOKS, as described and claimed in an application for United States Letters Patent executed by me on September 13, 1922, and in and to the Letters Patent to be issued therefor; and I do hereby authorize and request the Commissioner of Patents to issue the Patent for said invention to said Edward C. Jinks jointly with myself.

Witness my hand and seal this 13th day of September, 1922, at Los Angeles, California,

James W. McGhee

LE SAGE & COMPANY, INC.
 1018 Santee Street
 Los Angeles, California

Sold to M Lambert
 Street
 City

Date June 9—1927

Telephone No.
 Ship Via
 Salesman B

Order No.
 Department
 When

Terms: Cash
 Paid

Remarks

Number	Width	Color	Pieces	Yards	Ck.	Description	Price	Ck.	Do Not Use This Column
372				1 Gross		Hooks.	75 cts		

Filled by:

Received by:

[Endorsed]: No. M-27-M McGhee & Jinks vs. Le Sage & Co Exhibit No. 3-B. Filed
 5/3 1928 R. S. Zimmerman, Clerk By Murray E. Wire, Deputy Clerk

LE SAGE & COMPANY, Inc.

Drapery Fabrics

(Wholesale Only)

1018 Santee Street Los Angeles, Calif.

March 14, 1927.

REGISTERED MAIL

Lyon & Lyon,
National City Bank Bldg.,
810 South Spring Street,
Los Angeles, California.

Gentlemen:

We acknowledge receipt of your letter which was in the form of a notification that James W. McGhee and Edward C. Jinks are owners of the United States Letters Patent No. 1,475,306 under date of November 27, 1923.

Some few days ago Mr. McGhee called personally and advised us that a certain hook which we recently purchased from H. L. Judd Company was an infringement on his patent hook known as a non-sew-on hook. While your letter does not define the hook in question, we presume that your reference refers to the said hook known as non-sew-on.

The stock of hooks which we received from H. L. Judd is still cased up and we will not attempt to sell them, and we are holding the shipment in our wareroom awaiting the arrival of H. L. Judd Company's representative who is due here on the sixteenth of March at which time we will request from him what disposition his company desires to make of this shipment in question.

We still have in our stock 96 gross of non-so-on hooks purchased from McGhee and Jinks which we will continue to sell until the stock of 96 gross is exhausted, but in no case will we sell the similar hook before mentioned which was purchased from H. L. Judd Company.

These hooks are put up in their own boxes and so labeled and to avoid any misunderstanding, you may verify this statement if you so choose to do so.

Our records show that we have sold 120 gross of H. L. Judd hooks at a profit of 12¢ a gross.

It has ever been our policy to stand for right and justice in all our dealings, and we assure you in this instance you will have our full cooperation.

Yours very truly,

WLL*EF

LESAGE & CO., INC.

By W. LeSage, Pres.

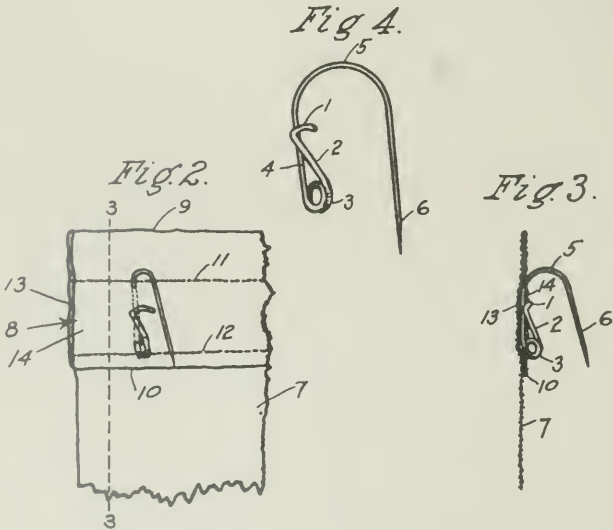
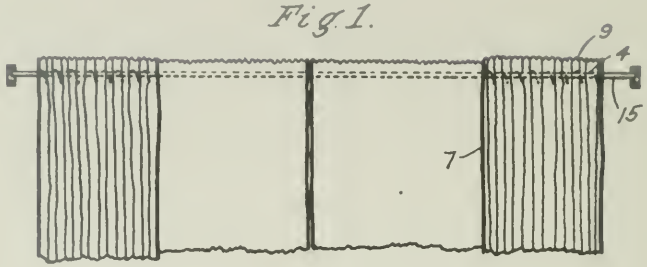
[Endorsed] Received Mar 15 1927 Lyon & Lyon.

No. M-27-M McGhee & Jinks vs. LeSage & Co defts
Exhibit No. 4 Filed 5/3 1928 R. S. Zimmerman, Clerk
By Murray E. Wire Deputy Clerk

J. W. MCGHEE.
DRAPERY HOOK.
APPLICATION FILED MAY 12, 1919.

1,334,661.

Patented Mar. 23, 1920.



INVENTOR.
JAMES W. MCGHEE
BY
Hazard & Miller
ATTORNEY.

UNITED STATES PATENT OFFICE.
JAMES W. MCGHEE, OF LOS ANGELES,
CALIFORNIA.
DRAPERY-HOOK.

Specification of Letters Patent.

1,334,661.

Patented Mar. 23, 1920.

Application filed May 12, 1919. Serial No. 294,473.

To all whom it may concern:

Be it known that I, James W. McGhee, a citizen of the United States, residing at Los Angeles, in the county of Los Angeles and State of California, have invented new and useful Improvements in Drapery-Hooks, of which the following is a specification.

My object is to make an improved drapery hook, and my invention consists of the novel features herein shown, described and claimed.

Figure 1 is a fragmentary front elevation showing a drapery supported by drapery hooks embodying the principles of my invention.

Fig. 2 is a fragmentary rear elevation of a piece of drapery with a hook applied ready for use.

Fig. 3 is a cross sectional detail on the line 3—3 of Fig. 2.

Fig. 4 is a perspective of the drapery hook removed from the drapery.

Referring to the drawings in detail, the drapery hook is made of medium hard wire bent to form the finger 1, the arm 2 extending from one end of the finger 1, the spring coil 3 at the opposite end of the arm 2 from the finger 1, the arm 4 extending from the opposite end of the coil 3 from the arm 2, the bend 5 extending from the upper end

of the arm 4, and the point 6 extending from the opposite end of the bend 5 from the arm 4.

The drapery comprises a body portion 7 of suitable fabric and the hem portion 8 formed by folding the fabric upon itself to make the folded edge 9 and folding the extreme edge of the fabric under to make the folded edge 10 and applying the lines of stitching 11 and 12.

The drapery hook is applied by inserting the point 6 through one thickness of the fabric just above the line of stitching 12 and passing the point between the front layer of fabric 13 and the rear layer of fabric 14 and out through the rear layer of fabric 14 just below the line of stitching 12, so that the rear layer of fabric 14 will pass between the arm 3 and the finger 1, and so that the finger 1 will press the fabric against the arm 4.

Several hooks are applied to a piece of drapery and then the drapery is placed in front of the curtain pole 15 and the hooks are applied by passing the point 6 downwardly over the back of the pole 15.

It should be noted that the drapery hook is not sewed on to the drapery, but is inserted and removed therefrom freely thus dispensing entirely with any sewing.

Various changes may be made without departing from the spirit of my invention as claimed.

I claim:

A drapery hook comprising a piece of spring wire bent intermediate of its ends to form a hook, one of its sides terminating in a point to form a pin, and the other side comprising a shank, a spring coil formed at the end of the shank, an arm extending inwardly from the outer end of the coil toward the bend, the outer end of said arm being bent to form a bearing portion and adapted to rest

resiliently against the shank adjacent to the coil, the arm being disposed between the shank member and the point of the pin.

In testimony whereof I have signed my name to this specification.

H. L. N. P.

JAMES W. MCGHEE

UNITED STATES DISTRICT COURT, SOUTHERN
DISTRICT OF CALIFORNIA, SOUTHERN
DIVISION.

-----		:
JAMES W. MCGHEE and EDWARD		
C. JINKS, trading as McGhee & Jinks,	:	
	Plaintiffs,	No. M 27 M
	vs.	Equity
LE SAGE & COMPANY, INC., a cor-	:	
poration,	:	
	Defendant.	
-----		:

Defendants' Exhibit J.

390

DEPARTMENT OF COMMERCE
UNITED STATES PATENT OFFICE

To all persons to whom these presents shall come, Greeting :

THIS IS TO CERTIFY that the annexed is a true copy from the records of this office of the File Wrapper and Contents, in the matter of the Letters Patent of James W. McGhee, Assignor of One-Half to Edward C. Jinks, Number 1,475,306, Granted November 27, 1923, for Improvement in Drapery Hooks.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the Patent Office to be affixed, at

the City of Washington, this thirty-first day of October in the year of our Lord, one thousand nine hundred and twenty-seven and of the Independence of the United States of America the one hundred and fifty-second.

(Seal) Thomas E. Robertson
 Attest: Commissioner of Patents.

D. E. Wilson
 Chief of Division.

86
 1922

590013 (EX'R'S BOOK) ~~205~~ 60-118-R
 66

DIV. ~~35~~ 35 PATENT No. 1475306
 NOV 27 1923

Name James W. McGhee.
 Assor. of 1/2 to Edward C. Jinks, of Los Angeles, California.

of Los Angeles,

County of

State of California.

Invention Drapery Hooks.

ORIGINAL

RENEWED

Petition.....	Sept. 23, 1922	....., 192
Affidavit.....	" " , 1922	....., 192
Specification.....	" " , 1922	....., 192
Drawing	" " , 1922	....., 192
Photo Copy.....	....., 192	....., 192
First Fee \$20,	Sept. 23, 1922	....., 192
App. filed complete	Sept. 23, 1922	....., 192
Parts of Application filed.		
<hr/>		
Examined and Passed for Issue		....., 192
May 2, 1923		
E C Reynolds Exr. Div. 35		.....Exr. Div.
Notice of Allowance	May 2, 1923	....., 192
By Commissioner.		By Commissioner.
Final Fee \$20	Oct 27, 1923	....., 192

Division of App., No.....filed....., 19.....

PatentedNOV 27 1923, 192

Attorney Edmund A. Strause, #354 So. Spring St.,
Los Angeles, Calif.

Associate Attorney

(No. of Claims Allowed (1) Print Claims.....in O. G.
(Cl. 24-86)

Title as Allowed Drapery Hook

2195

Serial No. 590,013

Application

EDMUND A. STRAUSE

Patents, Trade Marks and Designs

Suite 639 Wesley Roberts Building S. W. Cor. Third and
Main Streets, Los Angeles, California

PETITION AND POWER OF ATTORNEY

TO THE HONORABLE COMMISSIONER OF
PATENTS:

Your Petitioner * - - - JAMES W. MCGHEE - - -
whose P. O. address is 2501 Second Avenue, Los Angeles,
California a citizen of the United States, residing at Los
Angeles.....in the County of Los Angeles.....
and State of California, prays that letters patent may be
granted to him.....for the improvement in

- - - - - DRAPERY HOOKS - - - - -

set forth in the annexed specification, and.....he.....hereby
appoints EDMUND A. STRAUSE, whose register num-

No. 354 South Spring Street

ber is 8052, of ~~639 Wesley Roberts Building~~, Los Angeles,
California, his.....attorney with full power of

substitution and revocation to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the PATENT OFFICE connected therewith.

(Sign here)  James W. McGhee

[Cancelled Stamp]

SPECIFICATION

TO ALL WHOM IT MAY CONCERN: 590 1

Be it known that 2196

I, JAMES W. MCGHEE, a citizen of the United States, residing at Los Angeles, in the County of Los Angeles, and State of California, have invented new and useful improvements in DRAPERY HOOKS, of which the following is a specification;

My invention relates to drapery hooks, particularly adapted to be detachably secured adjacent the upper edge of a drapery and to engage over a rod, in order that the drapery may be properly hung in place at a window or other opening; and is designed as an improvement on the hook shown and described in the reissue patent entitled DRAPERY HOOKS, bearing number 15263, granted to me Jan. 10th, 1922.

The hook described in the above mentioned patent, although very efficient, has not proven entirely satisfactory, inasmuch as the sharp exposed points on the hook end frequently pricks the fingers of the person handling the drapery, and causing damage to the fabrics by becoming entangled therein; moreover the time consumed in threading the hook through the fabric is objectionable.

It is the object of my present invention to provide a hook for the purpose above described, which will overcome the above recited difficulties and which will be simple, durable, efficient and inexpensive of manufacture, and which may be easily and quickly adjusted to the drapery material.

Another object of my invention is to provide a hook which when secured in position will become yieldingly locked to the drapery material, thus guarding against its becoming accidentally displaced therefrom.

The above and other objects of my invention will be more fully disclosed in the following specification, reference being had to the accompanying drawings in which:

Fig. 1 is a back view of the top edge of a fragment of drapery showing the various stages of the application of my improved hook thereto.

590 2

2197

Fig. 2 is a section through the same, taken on the line 2-2 of Fig. 1 viewed in the direction indicated by the arrows.

In carrying out my invention the hook is formed of medium hard and preferably spring wire, bent to form the U shaped hook 5 having the arch 6 adapted to engage over a curtain rod, the hook end 7, and the shank portion 8. The wire at the end of the shank 8 is so bent as to form an arm 9 which extends upwardly along the outer edge of the shank and terminates adjacent the arch 6, the bend at the junction of shank 8 and arm 9 forms a spring loop 10 and the end of arm 9 is sharpened to a point 11, said point extending slightly beyond the junction between the shank 8 and the arch 6 as clearly shown in the draw-

ings. The end of the arm 9 just below the point 11 is adapted to normally rest against the shank 8 as shown at 12.

The top portion of a drapery is shown at 13 which comprises a fabric which is folded upon itself and hemmed at 14 to form the adjacent parallel walls 15 and 16, the wall 15 constituting the body of the drapery.

In fig. 1 of the drawings the hook designated by the letter A is shown in a position ready to be inserted into the fabric. By tilting the hook slightly sidewise it will be obvious that the fabric wall 16 may be pierced by the point 11 of arm 9 and the hook pressed upward into the fabric as shown at B, the arm 9 resting between the walls 15 and 16 and the wall 16 being impinged between the arm 9 and shank 8, thus holding the hook yieldingly locked in position to the fabric and thoroughly concealing the arm 9 from view. The hook may then be readily turned to assume the position shown at C and then conveniently placed over the curtain rod.

By the above recited construction it will be apparent that the main weight of the drapery will be supported by the loops 10 of the hooks and that the hemmed portion will be held upwardly by reason of being impinged between the shank 8 and arm 9.

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It will be observed that when the hooks are secured in position on the draperies, that the pointed ends 11 of arm 9 are concealed between the folds of fabric, and consequently all danger of the hooks becoming entangled in the fabric after attachment thereto is obviated.

2199

WHAT I CLAIM IS—

1—A drapery hook, comprising a wire bent to form a hook, one side of said hook constituting a shank, and an arm extending along the outer edge of the shank of said hook having a pointed end which terminates adjacent the bend.

2—A drapery hook, formed of a single piece of wire bent intermediate of its ends into substantially U shaped form, one side of said hook constituting a shank, the end of the shank being bent to form a \wedge loop, an arm extending upwardly from the spring loop and disposed adjacent the shank and terminating near the hook bend, the extreme end of the arm being pointed.

3—A drapery hook, formed of a single piece of wire bent intermediate of its ends into substantially U shaped formation to provide an arch, a hook end and a shank portion, the end of the shank portion being bent to form a \wedge loop, and an arm extending upwardly from the loop disposed along the outer edge of said shank and terminating adjacent the junction between the shank and arch, the extreme end of the arm being pointed.

4—A drapery hook, comprising a single piece of wire bent to form an arch having a hook end and shank portion projecting therefrom, said shank portion having an arm extending along its outer edge, the end thereof terminating approximately at the junction between the arch and shank and yieldingly resting against the shank.

2200

In witness that.....I claim the foregoing.....I have hereunto subscribed my.....name.....this 12th day of Sept. ~~12~~, 1922

James W. McGhee.
INVENTOR.

WITNESSES:

.....
.....

OATH

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES, } ss.


- - - - *JAMES W. MCGHEE - - - -

the above named petitioner , being duly sworn, deposes and says that he is a citizen of the United States and resident of Los Angeles, in the County of Los Angeles, State of California and that he verily believes himself to be the original, first, and sole inventor of the improvements in

- - - - DRAPERY HOOKS - - - -

described and claimed in the annexed specification; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof; or patented or described in any printed publication in any country before his invention or discovery thereof, or more than two years prior to this application, or in public use or on sale in the United States for more than two years prior to this application; that said invention has not been patented to him or to others with his knowledge or consent in this or any foreign country for more than two years prior to this applicaton, or on an ap-

plication for a patent filed in any country foreign to the United States by him or his legal representatives or assigns more than twelve months prior to his application; and that no application for patent on said improvement has been filed by him or his representatives or assigns in any country foreign to the United States.

(Applicant sign here)  James W. McGhee

Impression seal here

Sworn and subscribed to before me this 13th day of Sept. 1922

(Signature of officer administering oath) Lilah Hollister
Notary Public in and for the County of
Los Angeles, State of California.

Div. 35 Room 52 2—260 590 6
Paper No. 2
Address only "The Commissioner of Patents, Washington, D. C.," and not any official by name.

All communications respecting this application should give the serial number, date of filing, title of invention, and name of the applicant.

St/R DEPARTMENT OF THE INTERIOR
UNITED STATES PATENT OFFICE

Washington March 16, 1923.

[Stamp] Patent Office, Mar 16 1923 Mailed

Edmund A. Strause,
354 South Spring St.,
Los Angeles, California.

Please find below a communication from the EXAMINER in charge of the application of James W. McGhee, #590,013, Sept. 23, 1922, Drapery Hooks.

Thomas E. Robertson
Commissioner of Patents.

Case Examined.

The claims 1, 2, 3 and 4, are rejected as being for nothing patentable over British patent:—

Harrison, 5,780, April 28, 1886, one sheet, (24-86).

The clamping action of the pin portion against the part "a" in Figs. 1 and 2 of the reference prevents slipping when fixed in a curtain.

E. C. Reynolds

C. W. S.

Examiner, Division 35.

590 7

[Stamp] Mail Room U. S. Patent Office Mar 27 1923

Paper No. 3 Mar 29 1923 Division 35

Los Angeles, Calif. March 22, 1923.

Div. 35, Room 52,

James W. McGhee,

DRAPERY HOOKS

Filed Sept. 23, 1922.

S. N. 590,013

Commissioner of Patents

Sir:—

Examiners letter of March 16, 1923, in the above entitled matter considered: I amend as follows:

Cancel claims 1^v and 4.^v Renumber the remaining claims in order.

Claim 1.

Line 4, before "loop" insert—spring—. At the end of the line insert—spring—

Claim 2.

Line 4, before "loop" insert —spring—

REMARKS

Claims 1 and 4 have been cancelled and the invention limited to two specific claims which have been amended to bring out the patentable feature of applicants invention. The claims are now thought to clearly differentiate.

By providing the spring loop 10 on the construction, the arm 9 will be held in yielding engagement with the shank 8, pressing the fabric thereagainst as clearly shown in Fig. 2 of the drawing. The spring loop 10 also has an additional function, to-wit: that of supporting the main weight of the drapery, this also being shown in Fig. 2 and described in the last paragraph of page 2 of applicants specification.

The device in the reference cited does not show a spring loop, in fact no spring action at all as the pin "C" could not have the action of applicants device unless it was provided with a spring loop, the weight of the curtain when it is attached to the device of the reference would tend to pull the arm "C" away from the loop portion "A".

In view of the above it is thought that the case is now in condition for issuance.

Respectfully,

Edmund A. Strause,

Attorney for applicant.

590 8

Div. 35 Room 52

2—260

Paper No. 4

Address only "The Commissioner of Patents, Washington, D. C.," and not any official by name.

All communications respecting this application should give the serial number date of filing, title of invention, and name of the applicant.

St/R DEPARTMENT OF THE INTERIOR
UNITED STATES PATENT OFFICE

Washington April 4, 1923.

[Stamp]: Patent Office, mailed Apr 4—1923.

Edmund A. Strause,
354 South Spring St.,
Los Angeles, California.

Please find below a communicaiton from the EXAM-
INER in charge of the application of James W.McGhee,
#590,013, Sept. 23, 1922, Drapery Hooks.

6—2631 Thomas E. Robertson
Commissioner of Patents.

Reply to Amendment filed March 27, 1923.

Claim 1 is rejected as not patentably distinguished from Harrison, of record. The specification of this reference states that the curtain hook is made of "iron, steel, or metal wire, and as steel is resilient it is thought that the spring action of its parts is disclosed in the reference.

Claim 2 stands allowed.

C. W. S. E. C. Reynolds
Examiner, Division 35.

590 9

Argument: Paper No. Apr 17 1923 Division 35

[Stamp]: Mail Room U. S. Patent Office Apr 16 1923

Los Angeles, Calif. April 9, 1923.

Div. 35, Room 52,

James W. McGhee,

DRAPERY HOOKS

Filed Sept. 23, 1922

S. N. 590,013

Commissioner of Patents

Sir:—

Examiners letter of April 4, 1923, in the above entitled matter considered.

It is thought that claim 1 does patentably distinguish from Harrison for the reason that it calls for a spring loop 10 which forces the pointed end 9 against the shank 8, and also the loop supports the weight of the curtain, as clearly shown in Fig. 2.

While Harrison states that he makes his hook of iron, steel, brass or other metal wire, it is not thought that this conveys the idea of any resiliency in his hook construction. His main object is to provide a hook having a projection "A" to contact with the pin "C" so as to prevent slipping when fixed into the curtain. Secondly, to provide a hook having a projection "B" which contacts with the hook "D" so that it will not slip out of the eye in the pole ring. His two claims clearly describe the functions of his hook, to-wit: "to prevent slipping out of the curtain and out of the eye of the pole ring."

In view of the above it is thought that this case is in condition for issuance.

Respectfully,

Edmund A. Strause

Attorney for Applicant.

EAS:PG

590 10

Div. 35 Room 52

2—260

Paper No. 6

Address only "The Commissioner of Patents, Washington, D. C.," and not any official by name.

All communications respecting this application should give the serial number, date of filing, title of invention, and name of the applicant.

St/R DEPARTMENT OF THE INTERIOR
UNITED STATES PATENT OFFICE

Washington April 20, 1923.

[Stamp]: Patent Office Mailed Apr 20 1923

Edmund A. Strause,
354 South Spring St.,
Los Angeles, California.

Please find below a communication from the EXAMINER in charge of the application of James W. McGhee, #590,013, Sept. 23, 1922, Drapery Hooks.

6—2631 Thomas E. Robertson
Commissioner of Patents.

Reply to letter filed April 16, 1923.

Claim 1 is again rejected on the reference and for the reason of record.

Claim 2 stands allowed.

C. W. S. E. C. Reynolds
Examiner, Division 35.
590 11

Paper No. 7/B May 1 1923 Division 35

[Stamp]: Mail Room U. S. Patent Office Apr 30 1923

Los Angeles, Calif. April 24, 1923.

Div. 35, Room 52

James W. McGhee,
DRAPERY HOOKS

Filed Sept. 23, 1922

S. N. 590,013

Commissioner of Patents

Sir:—

Examiners letter of April 20, 1923, in the above entitled matter considered: I amend as follows.

Cancel claim 1. Remove the ordinal from the remaining claim.

REMARKS

This places the case in condition for issuance.

Respectfully,

Edmund A. Strause,

EAS:PG

Attorney for applicant.

590 12

Div. 35.

2—181

Serial No. 590,013.

Address only the Commissioner of Patents, Washington, D. C.

[Stamp]: Patent Office, Mailed May 2—1923

R. DEPARTMENT OF THE INTERIOR
UNITED STATES PATENT OFFICE
Washington

James W. McGhee,

May Two, 1923.

Sir: Your APPLICATION for a patent for an IMPROVEMENT in Drapery Hook, filed Sept. 23, 1922, has been examined and allowed. 1 Claim

The final fee, TWENTY DOLLARS, must be paid not later than SIX MONTHS from the date of this present notice of allowance. If the final fee be not paid within that period, the patent on this application will be withheld, unless renewed with an additional fee of \$20, under the provisions of Section 4897, Revised Statutes.

The office delivers patents upon the day of their date, and on which their term begins to run. The printing, photolithographing, and engrossing of the several patent parts, preparatory to final signing and sealing, will require about four weeks, and such work will not be undertaken until after payment of the necessary fee.

When you send the final fee you will also send, **DISTINCTLY AND PLAINLY WRITTEN**, the name of the **INVENTOR**, **TITLE OF INVENTION**, **AND SERIAL NUMBER AS ABOVE GIVEN**, **DATE OF ALLOWANCE** (which is the date of this circular), **DATE OF FILING**, and, if assigned, the **NAMES OF THE ASSIGNEES**.

If you desire to have the patent issue to **ASSIGNEES**, an assignment containing a **REQUEST** to that effect, together with the **FEE** for recording the same, must be filed in this office on or before the date of payment of final fee.

After issue of the patent uncertified copies of the drawings and specifications may be purchased at the price of **TEN CENTS EACH**. The money should accompany the order. Postage stamps will not be received.


Final fees will NOT be received from other than the applicant, his assignee or attorney, or a party in interest as shown by the records of the Patent Office.

Respectfully,

Thomas E. Robertson
Commissioner of Patents.

Edmund A. Strause,
354 South Spring St.,
Los Angeles, California.

590 13

 IN REMITTING THE FINAL FEE GIVE THE SERIAL NUMBER AT THE HEAD OF THIS NOTICE.

 UNCERTIFIED CHECKS WILL NOT BE ACCEPTED.

\$20 REC'D OCT 27 1923

B

Los Angeles, Calif. Oct. 22, 1923

Commissioner of Patents

Sir:—

Enclosed herewith find Cashiers check of the Citizens National Bank of this city in the amount of \$20.00, in payment of the following final government fee.

James W. McGhee, Los Angeles, California

DRAPERY HOOKS

Ser. No. 590,013

Filed Sept. 23, 1922

Allowed May 2, 1923.

Respectfully,

Edmund A. Strause,
Attorney for applicant

590 14

(Photo.)

Patented Nov. 27, 1923.

1,475,306

UNITED STATES PATENT OFFICE.

JAMES W. MCGHEE, OF LOS ANGELES, CALIFORNIA, ASSIGNOR OF ONE-HALF TO EDWARD C. JINKS, OF LOS ANGELES, CALIFORNIA.

DRAPERY HOOK.

Application filed September 23, 1922. Serial No. 590,013.

To all whom it may concern:

Be it known that I, JAMES W. MCGHEE, a citizen of the United States, residing at Los Angeles, in the county of Los Angeles and State of California, have invented new and useful Improvements in Drapery Hooks, of which the following is a specification.

My invention relates to drapery hooks, particularly adapted to be detachably secured adjacent the upper edge of a drapery and to engage over a rod, in order that the drapery may be properly hung in place at a window or other opening; and is designed as an improvement on the hook shown and described in the reissue patent entitled Drapery hooks, bearing Number 15263, granted to me Jan. 10th, 1922.

The hook described in the above mentioned patent, although very efficient, has not proven entirely satisfactory, inasmuch as the sharp exposed points on the hook end frequently pricks the fingers of the person handling the drapery, and causing damage to the fabrics by becoming entangled therein; moreover the time consumed in threading the hook through the fabric is objectionable.

It is the object of my present invention to provide a hook for the purpose above described, which will overcome the above recited difficulties and which will be simple, durable, efficient and inexpensive of manufacture, and which may be easily and quickly adjusted to the drapery material.

Another object of my invention is to provide a hook which when secured in position will become yieldingly locked to the drapery material, thus guarding against its becoming accidentally displaced therefrom.

The above and other objects of my invention will be more fully disclosed in the following specification, reference being had to the accompanying drawings in which:

Fig. 1 is a back view of the top edge of a fragment of drapery showing the various stages of the application of my improved hook thereto.

Fig. 2 is a section through the same, taken on the line 2—2 of Fig. 1 viewed in the direction indicated by the arrows.

In carrying out my invention the hook is formed of medium hard and preferably spring wire, bent to form the U shaped hook 5 having the arch 6 adapted to engage over a curtain rod, the hook end 7, and the shank portion 8. The wire at the end of the shank 8 is so bent as to form an arm 9 which extends upwardly along the outer edge of the shank and terminates adjacent the arch 6, the bend at the junction of shank 8 and arm 9 forms a spring loop 10 and the end of arm 9 is sharpened to a point 11, said point extending slightly beyond the junction between the shank 8 and the arch 6 as clearly shown in the drawings. The end of the arm 9 just below the point 11 is

adapted to normally rest against the shank 8 as shown at 12.

The top portion of a drapery is shown at 13 which comprises a fabric which is folded upon itself and hemmed at 14 to form the adjacent parallel walls 15 and 16, the wall 15 constituting the body of the drapery.

In Fig. 1 of the drawings the hook designated by the letter A is shown in a position ready to be inserted into the fabric. By tilting the hook slightly sidewise it will be obvious that the fabric wall 16 may be pierced by the point 11 of arm 9 and the hook pressed upward into the fabric as shown at B, the arm 9 resting between the walls 15 and 16 and the wall 16 being impinged between the arm 9 and shank 8, thus holding the hook yieldingly locked in position to the fabric and thoroughly concealing the arm 9 from view. The hook may then be readily turned to assume the position shown at C and then conveniently placed over the curtain rod.

By the above recited construction it will be apparent that the main weight of the drapery will be supported by the loops 10 of the hooks and that the hemmed portion will be held upwardly by reason of being impinged between the shank 8 and arm 9.

It will be observed that when the hooks are secured in position on the draperies, that the pointed ends 11 of arm 9 are concealed between the folds of fabric, and consequently all danger of the hooks becoming entangled in the fabric after attachment thereto is obviated.

What I claim is—

A drapery hook, formed of a single piece of wire bent intermediate of its ends into substantially U shaped formation to provide an arch, a hook end and a shank

portion, the end of the shank portion being bent to form a spring loop, and an arm extending upwardly from the loop disposed along the outer edge of said shank and terminating adjacent the junction between the shank and arch, the extreme end of the arm being pointed.

In witness that I claim the foregoing I have hereunto subscribed my name this 12th day of Sept. 1922.

JAMES W. MCGHEE.

2—421

10/9/23

1922

CONTENTS:

1. Application.... ^v ...papers.	26.	.....
2. Rej March 16/23	27.	.....
3. A Mar. 27/23	28.	.....
4. Rej April 4/23	29.	.....
5. Argument Apr. 16/23	30.	.....
6. Rej April 20/23	31.	.....
7. B April 30/23	32.	.....
8.	33.	.....
9.	34.	.....
10.	35.	.....
11.	36.	.....590 15.....
12.	37.	.....
13.	38.	.....
14.	39.	.....
15.	40.	.....
16.	41.	.....
17.	42.	.....
18.	43.	.....
19.	44.	.....
20.	45.	.....

Copy of said Patent having been received in this Office January 5, 1914.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the Patent Office to be affixed, at the City of Washington, this twenty-sixth day of October in the year of our Lord, one thousand nine hundred and twenty-seven and of the Independence of the United States of America the one hundred and fifty-second.

(Seal)

Thomas E. Robertson

ATTEST:

Commissioner of Patents.

D. E. Wilson

Chief of Division.

No. 28,885

[Emblem]

A. D. 1912

[Stamp]: Library U. S. Patent Office Jan 5 1914

Date of Application, 16th Dec., 1912

Complete Specification Left, 16th June, 1913—Accepted,
27th Nov., 1913

PROVISIONAL SPECIFICATION.

Improvements in Curtain Hooks and the like.

We, GEORGE FREDERICK FRENCH, ALFRED FRENCH and ANNE JANE PREST, trading as Thomas French and Sons, of Lower Moss Lane, Chester Road, Manchester, Small-ware Manufacturers, and WILLIAM HENRY PINCH, of 20, Alderley Avenue, Cloughton Village, Birkenhead, Manufacturer, do hereby declare the nature of the said invention to be as follows:—

This invention refers to and consists of an improved construction of hook for use generally with casement cur-

tains and the like, and in particular with curtains fitted with a gathering tape of the kind forming the subject of Letters Patent No. 7141 A. D. 1906.

According to the invention, the improved hook is made of a single length of wire so bent as to produce a "hook" part, a "pin" part and a "cross" part, this latter being preferably in the form of two small loops. The "pin" part (which is formed by one end of the wire) is of a length suitable for piercing the tape near its lower edge, and, after passing behind the tape, again piercing it near the upper edge, the pointed end lying in front of the tape. The "hook" part (which is formed by the other end of the wire) has a straight part similar in length to that of the pin part, and such straight part of the hook lies in front of and parallel with the pin part.

The said "cross" part of the improved hook is produced by the central portion of the length of wire being formed into loops. When the hook is applied to a tape the said loops lie practically flat against the curtain and their relationship to the hook part is such that they hold the hook in a plane at right angles to the face of the tape.

The advantages of the improved hook are, that it engages the tape vertically and thus allows of the hooks lying closer together than the ordinary safety pin hooks, and of the curtain being thus more effectively supported; its "hook" part always stands out from the face of the tape and does not fall to right or left, thus facilitating the engaging of the hooks with the rings on the curtain pole; and lastly, the improved hook is easily and cheaply produced. Other advantages are that the "hook" part forms a handle for inserting or withdrawing the pin part, and

the loops form a "stop" for limiting the extent to which the pin enters the tape.

That part of the wire extending from one loop to the other may pass behind, or between, or in front of the two parallel parts of the wire. Instead of two loops there may be one wide loop only, or instead of a loop or loops, the wire may be bent to form lateral lugs or ears. Further the loops, lugs or ears may be at other than the lower part of the hook.

To provide against accidental disconnection of the hook
[Price 8d.]

2 No. 28,885.—A. D. 1912.

Improvements in Curtain Hooks and the like.
from the tape, the straight stem part of the "hook" may be bent to form a "catch" with which the pin may be engaged after passing through the tape.

Dated this 14th day of December, 1912.

For the Applicants,
JOHN G. WILSON & Co.,
Chartered Patent Agents,
55 Market Street, Manchester.

COMPLETE SPECIFICATION.

Improvements in Curtain Hooks and the like.

We, GEORGE FREDERICK FRENCH, ALFRED FRENCH and ANNE JANE PREST, trading as Thomas French and Sons, of Lower Moss Lane, Chester Road, Manchester, Smallware Manufacturers, and WILLIAM HENRY PINCH, of 20, Alderley Avenue, Cloughton Village, Birkenhead, Manufacturer, do hereby declare the nature of this invention and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:—

This invention refers to and consists of an improved construction of hook for use generally with casement curtains and the like, and in particular with curtains fitted with a gathering tape of the kind forming the subject of Letters Patent No. 7141 A. D. 1906.

Upon the accompanying drawing,

Fig. 1 illustrates (to an enlarged scale) a side elevation of the improved hook.

Fig. 2 illustrates a front view, whilst

Fig. 3 illustrates a sectional plan on line x—x.

Figs. 4 and 5 illustrate the application of the improved hook to a curtain.

Fig. 6 illustrates a side elevation, and

Figs. 7 and 8 front views of modifications, whilst

Fig. 9 illustrates a side view (in part) of a further modification.

According to the invention, the improved hook is made of a single length of wire so bent as to produce a "hook" part *a*, a "pin" part *b*, and a "cross" part *c*, this latter being preferably in the form of two small loops. The pin part *b* (which is formed by one end of the wire) is of a length suitable for piercing the tape near its lower edge and, after passing behind the tape, again piercing it near the upper edge, the pointed end lying in front of the tape, see Figs. 4 and 5. With eyeletted tapes, the pin part *b* may be blunt.

The rear or stem portion of the hook part *a* is either straight like the pin, or, as shown, is formed with two small "humps" or corrugations a^1 , a^2 which, when the hook is applied to the gathering tape aforesaid, allow room for those parts of the tape containing the draw cords, see Fig. 3. They also help in securing the hook to the tape.

The said "cross" part *c* of the improved hook is produced by the central portion of the length of wire being formed into loops. That part of the wire extending from one loop to the other may pass behind, or as shown, between, or in front of the two rear vertical parts of the wire. In forming the loops they are, preferably, arched transversely so as to ensure of the pin part *b* and the outer parts of the loops lying in the same plane, or in line with each other, see Fig. 3, and therefore when the hook is applied to a tape the loops cause the hook part *a* to lie in a plane at right angles to the face of the tape, see Figs. 5 and 6. The loops also act as springs for the pin, and cause the tape to be clipped between the pin and stem of hook except where the draw cords come, which are left free.

No. 28,885.—A. D. 1912.

3

Improvements in Curtain Hooks and the like.

After being applied to the tape and with the curtain ready pleated, the hooks are passed through the usual curtain rod rings as shown dotted in Fig. 5. For enabling the hooks to be used with ordinary curtain rods without rings, the part *a* may be made to the form of a ring, see Fig. 6, the curtain rod passing through the ring.

The advantages of the improved hook are that it engages the tape vertically and thus allows of the hooks lying closer together than the ordinary safety pin hooks and of the curtain being thus more effectively supported; its hook part always stands out perpendicularly from the face of the tape and does not move to right or left, thus facilitating the engaging of the hook with the ring on the curtain pole; and further, the improved hook is easily and cheaply produced.

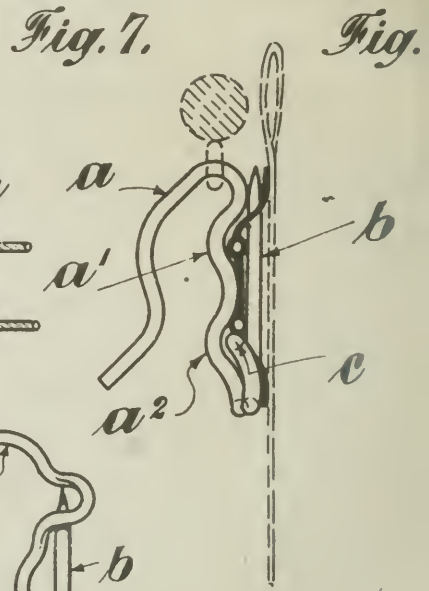
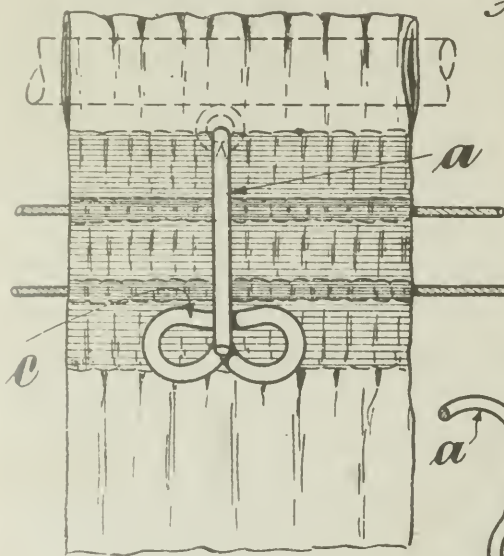
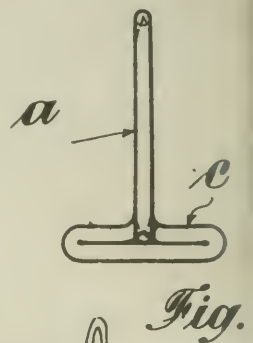
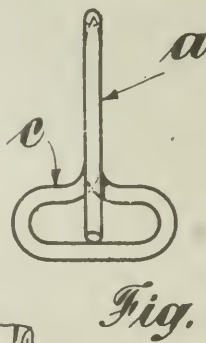
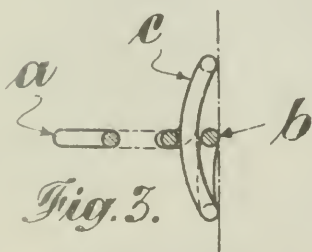
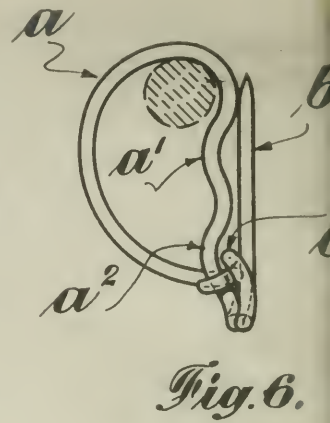
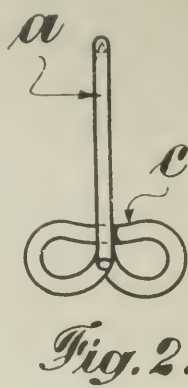
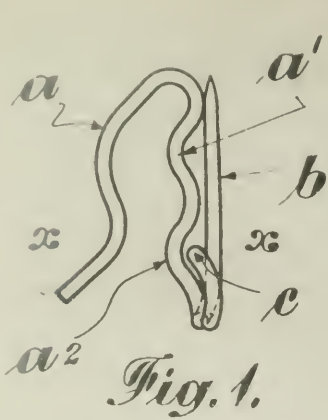


Fig. 4.

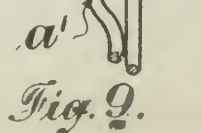


Fig. 5.

[This Drawing is a reproduction of the Original on a reduced scale.]

Other advantages are that the hook part forms a handle for inserting or withdrawing the pin part, and the top of the loops forms a "stop" for determining the extent to which the pin may pass through the tape.

Instead of two loops, there may be one wide loop, see Fig. 7, or, instead of an open loop or loops, the wire may be bent to form closed loops, lugs or spurs, see Fig. 8.

To provide against accidental disconnection of the hook from the tape, the stem part of the hook may be bent to form a "catch" with which the pin may be engaged after passing through the tape, see Fig. 9.

Having now particularly described and ascertained the nature of the said invention and in what manner the same is to be performed, we declare that what we claim is:—

1. A curtain hook or the like formed from one piece of wire and comprising the hook (or ring) part *a*, the "pin" part *b* and the spring cross part *c*, substantially as herein set forth.

2. A curtain hook or the like with a pin part and with spring loops, lugs or spurs lying to right and left of the "pin" part and in a plane at right angles to the plane of the hook proper, substantially as herein set forth.

3. A curtain hook or the like, constructed substantially as herein described and illustrated in Figs. 1 to 3 (or 6, 7, 8 or 9) of the accompanying drawing.

Dated this 12th day of June, 1913.

For the Applicants,

JOHN G. WILSON & Co.,

Chartered Patent Agents,

55, Market Street, Manchester, and at Blackburn.

Redhill: Printed for His Majesty's Stationery Office, by
Love & Malcomson, Ltd.—1913.

(Photo.)

UNITED STATES DISTRICT COURT, SOUTHERN
DISTRICT OF CALIFORNIA, SOUTHERN
DIVISION.

JAMES W. MCGHEE and EDWARD C. JINKS, trading as McGhee & Jinks, :	Plaintiffs,	H. L.
	vs.	: N. P.
LE SAGE & COMPANY, INC., a cor- poration,	: Defendant.	No. M 27 M Equity.

----- :
Defendants' Exhibit L attached to New York Depo-
sitions

390

DEPARTMENT OF COMMERCE
UNITED STATES PATENT OFFICE

To all persons to whom these presents shall come, Greeting :

THIS IS TO CERTIFY that the annexed is a true copy
from the records of this office of the Provisional Speci-
fication, Complete Specification and Drawing, in the
matter of the British Letters Patent to Henry Charles
Harrison,

Dated April 28, 1886, Number 5,780,
for Improvements in the Manufacture of Curtain Hooks.
Copy of said Patent having been received in this Office
June 11, 1887.

IN TESTIMONY WHEREOF I have hereunto set my hand
and caused the seal of the Patent Office to be affixed,
at the City of Washington, this twenty-sixth day of
October in the year of our Lord, one thousand nine

hundred and twenty-seven and of the Independence of the United States of America the one hundred and fifty-second.

(Seal)

Thomas E. Robertson

ATTEST:

Commissioner of Patents.

D. E. Wilson

Chief of Division.

[Stamp]: Library U. S. Patent Office, Received Jun
11 1887

Date of Application, 28th Apr., 1886

Complete Left, 28th Jan., 1887

Complete Accepted, 1st Mar., 1887

A. D. 1886, 28th April. No. 5780.

PROVISIONAL SPECIFICATION.

Improvements in the Manufacture of Curtain Hooks.

HENRY CHARLES HARRISON 70 Princess Road, Edgbaston, Birmingham, Clerk & Traveller do hereby declare the nature of this invention to be as follows:—

I first take a piece of Iron, Steel, or metal wire, of any section but round preferred, say about six inches in length & pointed at one end, & bend it into shape similar to the letter S but the ends projecting more—In the centre, or what may be termed the backbone of the Hook, the wire is bent to form a half round projection back & front, & when complete is represented in accompanying sketch. The object of the projection A is for the Pin C to press against & so prevent it slipping when fixed into the curtain & so do away with the old safety pin arrangement—

The object of the projection B is for the Hook D to press against so that when the latter is passed through the eye in the pole ring it does not readily slip out. The Hooks made as above also bear a greater strain than the old fashioned safety Pin Curtain Hook.

HENRY CHARLES HARRISON.

[Price 6d.]

Complete

2 A. D. 1886.—No 5780. Specification.

Harrison's Improvements in the Manufacture of Curtain
Hooks.

COMPLETE SPECIFICATION.

Improvements in the Manufacture of Curtain Hooks.

HENRY CHARLES HARRISON, 70 Princess Road, Edgbaston, Birmingham, Clerk & Traveller, do hereby declare the nature of this invention and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:—

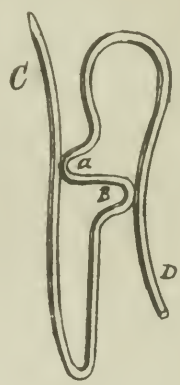
I first take a piece of Iron, Steel, Brass or other metal wire of any section but round preferred, say about six inches in length, & pointed at one end, and bend it into shape similar to the letter S but the ends projecting more— In the centre or what may be termed the backbone of the hook, the wire is bent to form a half round projection back & front and when complete is represented in the accompanying drawing No. 1.

The object of the projection A is for the pin C to press against & so prevent it slipping when fixed into the curtain, and so do away with the old safety pin arrangement.

ho 2



ho 1



The object of the projection B is for the hook D to press against so that when the latter is passed through the eye in the Pole Ring it does not readily slip out. I also purpose making them with the projection A only as per drawing No. 2.

Having now particularly described and ascertained the nature of my said Invention, and in what manner the same is to be performed, I declare that what I claim is

1st. Having the projection A to prevent the hook slipping out of the curtain, & to support same.

2nd. Having the projection B to prevent it slipping out of the eye in the Pole Ring.

HENRY CHARLES HARRISON.

LONDON: Printed by DARLING & SON.

For Her Majesty's Stationery Office.

1887.

(Photo.)

October in the year of our Lord, one thousand nine hundred and twenty-seven and of the Independence of the United States of America the one hundred and fifty-second.

(Seal)

Thomas E. Robertson

ATTEST:

Commissioner of Patents.

D. E. Wilson

Chief of Division.

No. 15,079

[Emblem]

A. D. 1910

[Stamp]: Aug. 7 1911.

Date of Application, 23rd June, 1910

Complete Specification Left, 22nd Dec., 1910—Accepted,
26th June, 1911

[Stamp] Library U. S. Patent Office Aug 7 1911

PROVISIONAL SPECIFICATION.

Improvements in the Method of and Means Employed for
Hanging Curtains.

I, ANNE TIMMIS, of 10, Northumberland Avenue, Bispham, near Blackpool, in the County of Lancaster, Married Woman, do hereby declare the nature of this invention to be as follows:—

This invention relates to improvements in the method of and means employed for hanging or suspending curtains from curtain poles or rods the object being to facilitate the operation of hanging or removing and to prevent damage being done to the curtain itself or to reduce the wear and tear as much as possible.

The invention comprises a novel construction of tape or band with loops or attachments to be stitched to the curtains the loops or attachments providing means whereby the curtain can be affixed to combined hooks and curtain pole rings or like devices carried on the curtain pole or rod.

According to this invention there is sewn to the edge of the curtain a suspending tape comprising a broad tape with a narrower tape sewn on to one face of it in the form of a series of loops eyes or pockets or ends for tying so that when sewn onto the curtain the latter is furnished with a series of loops or eyes or means of attachment of the curtain to the pole rings or hooks.

The poles rings or hooks are made in the form of hooks with one long shank and one shorter one terminating in an eye loop or enlargement with or without an eye or in a forked or bifurcated end or otherwise shaped so that when the longer shank is passed through one of the loops or eyes on the curtain the loop or enlargements constitutes a holding device and the hook and curtain are united. The hook is then placed on the curtain pole or rod or it may be hooked onto the ordinary pole ring. The longer shank of the hook may be bent or curved round so that the hoop becomes a ring with open or split ends to allow for its being passed through one or other of the loops on the curtain and so affixed thereto and in order to maintain the hook or ring in correct position when on the pole and when in ring form a depression is preferably formed in the ring or hook or it is slightly angled so that the weight of the curtain keeps the loop at the bottom of the depression. The curtain may be tied to the hooks or rings by the ends and the ring or curved hook may be provided with an eye for this purpose.

Instead of the loops or ends for securing the curtain to the hook or rings eyelets may be formed in the tape and hooks or rings passed through them.

The shorter shank of the hook may be doubled or bent on itself and the loop on the tape passed between the bent or folded portions and the end of the folded portion of the shank received in a pocket or slot stitched on the edge of the curtain or on the tape on same.

Dated this 21st day of June, 1910.

BRIERLEY & HOWARD,

Halifax & Blackburn,

Agents for the Applicant.

[Price 8*d.*]

2

No. 15,079.—A. D. 1910.

Improvements in the Method of and Means Employed for Hanging Curtains.

COMPLETE SPECIFICATION.

Improvements in the Method of and Means Employed for Hanging Curtains.

I, ANNE TIMMIS, of 10, Northumberland Avenue, Bispham, near Blackpool, in the County of Lancaster, Married Woman, do hereby declare the nature of this invention and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:—

This invention relates to a curtain suspension device of the kind in which a tape or band with loops or attachments is stitched to the curtain, the loops or attachments providing means whereby the curtain can be affixed to hooks, curtain pole rings or like devices for connection with the curtain pole or rod.

The present invention consists in forming the hook or ring with an eye for the reception of thread by means of which the hook or ring can be stitched to the curtain tape, the said eye being situated in proximity to a loop or other holding device forming part of the hook or ring.

In order that the said invention may be clearly understood and readily carried into effect, the same is described with reference to the accompanying drawings, in which:—

Figure 1 is an elevation shewing a portion of a curtain and pole with hooks and tapes in position.

Figures 2 to 8 are elevations of various styles of hooks.

1 indicates the curtain, 2 the suspending tape and 3 the tape that is sewn onto one face of the tape 2 in the form of a series of loops, eyes, pockets or ends 4 for tying which serve as a means of attachment of the curtain 1 to the pole rings or hooks 5 which may be constructed in any suitable manner. In the example shewn in Figs. 5 and 6, each of the hooks is formed with a long shank and a shorter one terminating in an eye or loop 6 in a similar manner to that which has already been proposed the eye 10 for stitching purposes being situated in proximity to such loop or to a head or bar 8 extending transversely across the end of the shank as shewn in Figures 1, 2, 3, and 4 which serves as a device for uniting the hook 5 and curtain 1. The hook 5 may be placed on the curtain pole or rod 7 or it may be hooked onto the ordinary pole ring. The longer shank of the hook may be bent or curved round (see Figs. 7 and 8) in a manner that has already been proposed so that the hook becomes a ring with open or split ends to allow for its being passed through one or other of the loops 4 on the curtain 1 and so affixed thereto in order to maintain the

FIG. 1

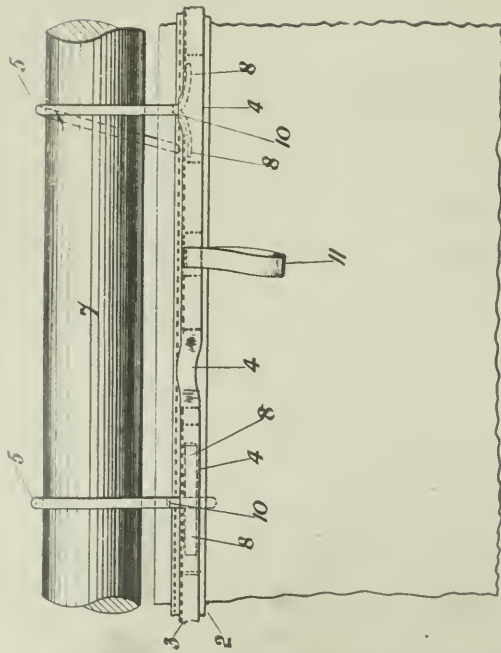


FIG. 2

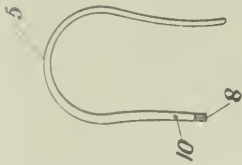


FIG. 3



FIG. 4

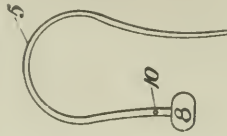


FIG. 5

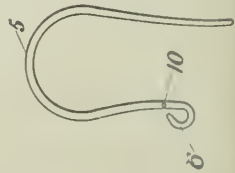


FIG. 6

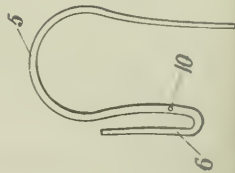


FIG. 7

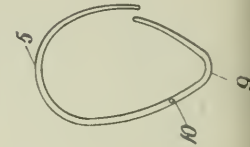
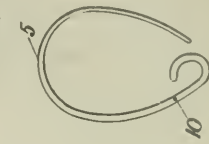


FIG. 8



hook or ring 5 in correct position when on the pole, and when in ring form a depression 9 is preferably formed in the ring or hook or it is slightly angled so that the weight of the curtain keeps the loop 4 at the bottom of the depression 9. The curtain may be tied to the hooks or rings 5 by the aforesaid ends, the eyes 10 being provided for the purpose of stitching the hooks or rings to the tape.

The shank of the hook 5 may be doubled or bent on itself as in Fig. 6 and the loop on the tape passed between the bent or folded portions and the end of the folded portion of the shank received in a loop 11 stitched on the edge of the curtain or on the tape thereon.

Having now particularly described and ascertained the nature of my said invention and in what manner the same is to be performed, I declare that what I claim is: —

1. The means described comprising hooks having an eye 10 formed in the hook or ring for the purpose specified substantially as described and illustrated by the annexed drawings.

No. 15,079.—A. D. 1910.

3

Improvements in the Method of and Means Employed for Hanging Curtains.

2. For use in combination with a curtain suspension device of the kind set forth, a hook constructed and arranged substantially as hereinbefore described with reference to any of the examples illustrated in the accompanying drawings for the purpose specified.

Dated this 20th day of December, 1910.

BRIERLEY & HOWARD,
Halifax & Blackburn,
Agents for the Applicant.

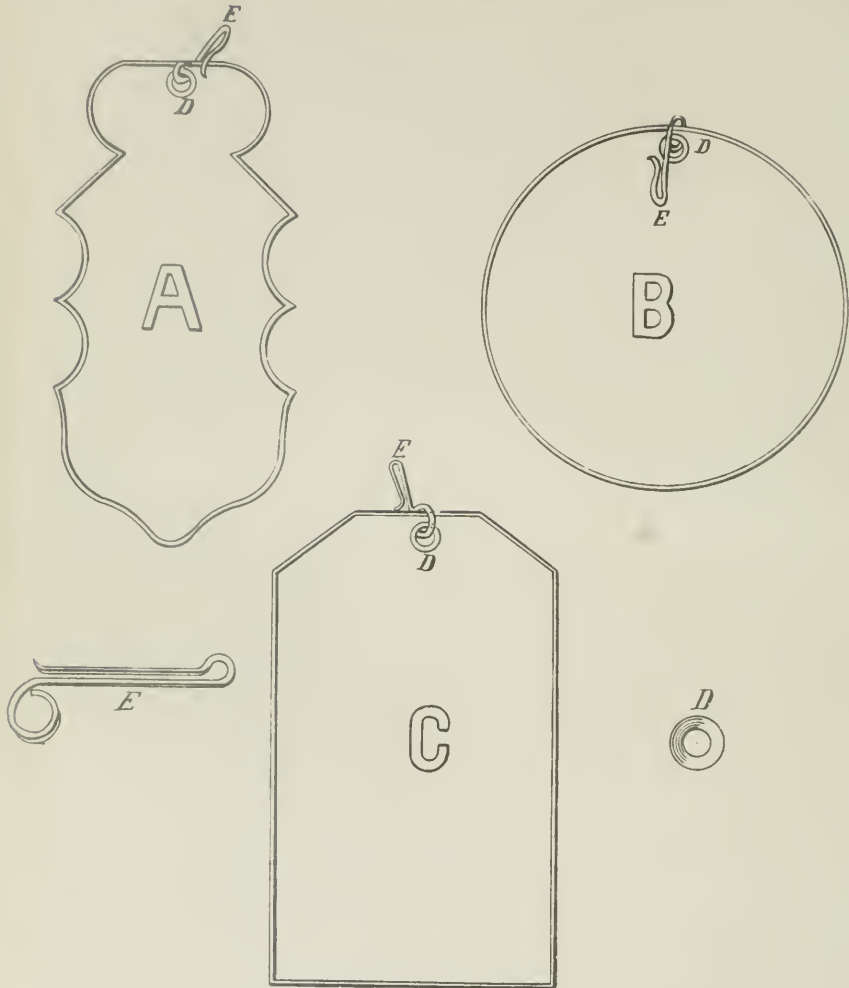
Redhill: Printed for His Majesty's Stationery Office, by
Love & Malcomson, Ltd.—1911.

Fay
15,226
July 1, 1856

S. B. Fay.
Hook Tag.

N^o 15,226.

Patented Jul. 1, 1856.



Witnesses

J. C. Dinsell
John Dinsell

Inventor

Samuel B. Fay

UNITED STATES DISTRICT COURT, SOUTHERN
DISTRICT OF CALIFORNIA, SOUTHERN
DIVISION.

----- :

JAMES W. McGHEE and EDWARD C. JINKS, trading as McGhee & Jinks,	:	H. L.
Plaintiffs,	:	N. P.
vs.	:	No. M 27 M
LE SAGE & COMPANY, INC., a cor- poration,	:	Equity.
Defendant.	:	
----- :		

DEFENDANTS' EXHIBIT N, Prior Art Patents.
(Attached to New York Depositions)

UNITED STATES PATENT OFFICE.
SAMUEL B. FAY, OF NEW YORK, N. Y.

METALLIC HOOK FOR LABELS.

Specification of Letters Patent No. 15,226, dated
July 1, 1856.

To all whom it may concern:

Be it known that I, SAMUEL B. FAY, of the city, county,
and State of New York, have invented a new and useful
Mode of Attaching Tags or Labels; and I do hereby de-
clare the following to be a full, clear, and exact descrip-
tion thereof, reference being had to the accompanying
drawing, in which my improvement is illustrated.

In large warehouses requiring an extensive mode of
labeling cloths and other articles the usual methods em-

ployed of tying tags to the cloth or riveting on lead tags is very laborious often requiring the time of several persons.

To remedy this defect my invention was made.

For the above purpose several requisites must be attained; first, the article must be sufficiently cheap; secondly, it must be affixed in such a manner as not to be easily detached in handling the goods and, thirdly, it must be affixed easily, rapidly and surely.

I thus attain all these requisites. The tag or label is made of card or other cheap suitable material cut to any pattern as seen in the drawing at A, B, C. Holes are cut in these tags and a metallic eyelet or gromet D is inserted therein. Then I prepare a hook as shown at E, in the drawing, formed of suitable metal or in any other form or configuration having the same characteristics of a sharp point bent into position to be readily caught in the cloth with the parts of the shank brought together in such a way as to require them to spring open to pass that portion of the article to which the tag is to be affixed which has been caught by the hook and after it is passed to close again so as to retain the same beyond the point above named where the parts of the shank are made to appear there should be a bow or bight sufficient to retain the portion above named into which the hook is set. In this way tags and labels may be affixed to goods with sufficient permanence for all practical purposes and with infinitely less labor than when pinned, sewed, or tied thereto by a string as are the methods now employed for that purpose.

Having thus fully described my improved tag or label and its difference from what has heretofore been essayed

therein what I claim as my device for which I desire Letters Patent is—

The construction of tags or labels substantially as herein described by affixing thereto a hook so formed as to readily hook into the goods to be marked and by the spring of the shank retain its position without being liable to become readily detached as herein specified.

SAMUEL B. FAY.

Witnesses:

GEO. H. BISSELL,

JOHN BISSELL.

(No Model.)

D. B. GUNN.

COMBINED COLLAR AND NECKTIE RETAINER.

No. 303,370.

Patented Aug. 12, 1884.

Fig 1

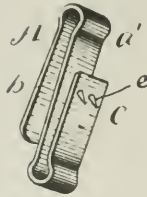
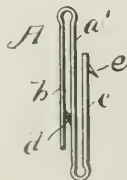


Fig 2.



Fig 3.



WITNESSES:

W. C. Bowen
Wm. C. Gunn

INVENTOR

Daniel B. Gunn
BY
Frank Shuchter
ATTORNEY

UNITED STATES PATENT OFFICE.

DANIEL B. GUNN, OF RED OAK, IOWA.

COMBINED COLLAR AND NECKTIE RETAINER.

SPECIFICATION forming part of Letters Patent
No. 303,370, dated August 12, 1884.

Application filed March 3, 1884. (No Model.)

To all whom it may concern:

Be it known that I, DANIEL B. GUNN, a citizen of the United States, residing at Red Oak, in the county of Montgomery and State of Iowa, have invented certain new and useful Improvements in Combined Collar and Necktie

Retainers, of which the following is a specification, reference being had therein to the accompanying drawings.

This invention has relation to improvements in devices for retaining neckties and neck-scarfs in proper place upon collars and the collar in proper position with relation to the shirt-band and tie or scarf.

The invention consists in the combination and arrangement, in connection with a strip of suitable material having loop-arms, of pins for the engagement of the shirt-band and tie-band, as will be hereinafter more fully set forth, and particularly pointed out in claim appended.

Referring by letter to the accompanying drawings, to which similar letters of reference are made indicating corresponding parts, Figure 1 is a representation of a perspective of my device, showing the pins on the inner and outer arms. Fig. 2 is a side view of the same, showing it applied to a portion of a shirt-band, collar, and tie, and Fig. 3 is a side view showing the pins on a middle and outer arms.

In the said drawings, A indicates the fastener; B, the shirt-band; C, the collar, and D the tie or scarf. The fastener is formed from a flat strip of metal, which may be brass or other metal of a semi-elastic or spring nature, and is bent to form a middle vertical arm, *a'*, and an inner and outer arm, *b c*, of about equal length. The middle arm, *a'*, is perfectly plain on its side next to the arm *c*, and has its inner side, or the side adjacent to the arm *b*, provided with a pin, *d*, which inclines upwardly toward the inner arm; or the inner arm, *b*, may be provided on its inner lower side with one or more similar pins, which extend obliquely or incline downwardly from the said middle arm, and are designed to engage the inner surface of a

shirt-bosom or its collar-band. The outer arm, *c*, extends upwardly and is provided on its outer side with one or more pins, *e*, which incline downwardly and are designed to engage the tie or scarf upon the collar. The arms of the loops may be made large at their bends, as shown, so as to increase their spring action in engaging the articles.

From the foregoing description the operation and advantages of my invention will be obvious. It will be seen that when the device is in place on a shirt-collar band, the collar brought between the outer and middle arms, and the tie-band brought into its normal position around the collar, both the collar and tie will be securely held together upon the shirt and the former prevented from moving out of place.

The fasteners or retainers may be either gold or silver plated, and thus made to present a handsome appearance; or they may be made of celluloid at a very small expense.

Having thus described my invention, what I claim as new and desire to secure by Letters Patent, is—

As an improved article of manufacture, a combined collar and necktie retainer formed from a strip of suitable material, having a middle arm, *a'*, provided with a reverse loop-arm, *b* and *c*, at opposite ends on opposite sides, the middle arm having pins on its side next to the arm *b*, and the outer arm, *c*, having pins on its outer side, the pins of the respective arms being inclined, substantially as shown and described.

In testimony whereof I affix my signature in presence of two witnesses.

DANN. B. GUNN.

Witnesses:

M. S. EVANS,
CHAS. TURNEY.

(No Model.)

M. RIGGS.
EYEGGLASS HOLDER.

No. 392,363.

Patented Nov. 6, 1888.

Fig. 1.

Fig. 2.

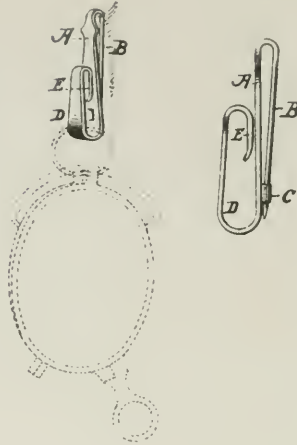


Fig. 3.

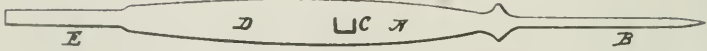


Fig. 4.



WITNESSES:

Gustave Kietisch
W. A. C. Mattheus

INVENTOR.

Miles Riggs
 BY *Chas. C. Gill*
 ATTORNEY.

UNITED STATES PATENT OFFICE.

MILES RIGGS, OF NEW YORK, N. Y.

EYEGLASS-HOLDER.

SPECIFICATION forming part of Letters Patent
No. 392,363, dated November 6, 1888.

Application filed June 14, 1888. Serial No. 277,109.
(No model.)

To all whom it may concern:

Be it known that I, MILES RIGGS, a citizen of the United States, and a resident of New York, in the county of New York and State of New York, have invented certain new and useful Improvements in Eyeglass-Holders, of which the following is a specification.

The invention relates to improvements in eyeglass-holders; and it consists in a holder made from a single piece of sheet metal, with a suitable spring-holding hook on the outside of a backing-plate, and a pin and catch on the opposite side of said plate, the whole being adapted to be attached to the vest or other garment.

The particular characteristics of the invention sought to be protected will be understood from the detailed description hereinafter presented, reference being had to the accompanying drawings, in which—

Figure 1 is a perspective view of the holder sustaining a pair of eyeglasses, the latter being illustrated by dotted lines. Fig. 2 is an enlarged side elevation of the holder. Fig. 3 is a plan view of the blank from which the holder is formed, the same being stamped from sheet metal in a single piece; and Fig. 4 is a perspective view looking down upon the upper end of the holder.

In the drawings, A designates the backing-plate of the holder; B, the pin by which it may be secured to the vest or other garment of the user; C, the catch for retaining the free end of the pin B; and D, the hook for sustaining the eyeglass, said hook being formed by turning the metal upward and its spring E inward and downward in close relation to the backing-plate A, as illustrated in Figs. 1 and 2.

It will be observed that the metal at the lower end of the hook D is not reduced in width and is not intended for a spring, all of the spring qualities of this part of the device being in the reduced end E. Heretofore in the construction of this class of eyeglass-holders the hook D has been so formed as to constitute a spring, and in thus constructing it the metal at its lower end has necessarily been reduced and weakened, the effect of which being that the hook frequently became broken from the backing-plate by reason of the coat rubbing against it, or by being caught or moved against some object handled by the user.

To correct this difficulty is one of the objects of my invention, and in the accomplishment of which I construct the hook D of considerable strength at its lower end, causing it to be a rigid fixture instead of a spring. It is desirable, however, that a spring be provided in order to prevent the too easy escape of the eyeglass from the holder, and hence I form the individual spring E at the upper end of the hook D. This spring lightly impinges the backing-plate A, and has its lower extremity turned toward the hook in order to facilitate the removal of the eyeglass when desired.

By reference to Figs. 3 and 4 it will be seen that the spring E is formed by making that portion of the metal

of which it is composed more narrow than the remaining portions, and this may be done without detriment to the durability of the article, since it is protected when in use between the rigid backing-plate A and the rigid hook D, where it is only permitted to have a limited movement and is in no danger of being straightened out or broken. The pin B is also made from the same blank from which the remaining parts of the holder are constructed, and is turned downward in line with the backing-plate A, a catch, C, being stamped out of the sheet metal at a point opposite to the lower end of the pin for the purpose of retaining the latter after the holder has been applied to the vest or other garment.

The holder, being made wholly from one piece of sheet metal and constructed as described, is very simple and inexpensive, and at the same time durable and entirely safe.

What I claim as my invention, and desire to secure by Letters Patent, is—

The eyeglass-holder hereinbefore described, having the backing-plate A, the attaching-pin on one side of said plate, the rigid hook D, turned upward from the lower end of said plate and on the opposite side from said pin, and the spring E, passing downward from the upper end of the rigid hook D, in close relation to the face of the backing-plate A, said spring being protected between the rigid hook and the backing-plate, substantially as and for the purposes set forth.

Signed at New York, in the county of New York and State of New York, this 8th day of June, A. D. 1888.

MILES RIGGS.

Witnesses:

C. M. LEE,

CHAS. C. GILL.



Fig. 1.



Fig. 2.



Fig. 3.

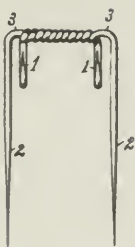


Fig. 4.



Fig. 5.

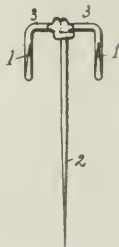


Fig. 6.



Witnesses

C. M. Newman,
Etta F. Pettit.

Inventor
Edward H. Nash
By
A. M. Broster
Att'y

UNITED STATES PATENT OFFICE.

EDWARD H. NASH, OF WESTPORT, CONNECTICUT, ASSIGNOR TO LLOYD NASH AND ELBERT N. SIPPERLEY, OF SAME PLACE.

CATCH-PIN.

SPECIFICATION forming part of Letters Patent
No. 404,102, dated May 28, 1889.

Application filed January 8, 1889. Serial No. 295,757.
(No model.)

To all whom it may concern:

Be it known that I, EDWARD H. NASH, a citizen of the United States, residing at Westport, in the county of Fairfield and State of Connecticut, have invented certain new and useful Improvements in Catch-Pins; and I do hereby declare the following to be a full, clear and exact description of the invention, such as will enable others skilled in the art to which it appertains to make and use the same.

My invention has for its object to produce a pin adapted to hold ladies' work in sewing, which may be readily attached to the dress or to any textile material—as, for example, to an upholstered chair or sofa or to a table-cover. In other words, the object is to produce a pin of this class adapted for general use which may be produced at very slight cost, so that it may be retailed for a few pennies, thus placing it within the reach of all, and which will perfectly perform the functions of the more expensive pins, sewing-birds, &c., which have heretofore been produced. With these ends in view I have devised the simple and novel construction, of which the following description,

in connection with the accompanying drawings, is a specification.

Figures 1, 3 and 5 are front elevations of different forms in which I have carried my invention into effect. Figs. 2 and 4 are end views corresponding, respectively, with Figs. 1 and 3; and Fig. 6 is a side view of a form having but one supporting-point and one attaching-shank.

An important feature of my invention, as illustrated in the first five figures of the drawings, lies in giving to the work to be sewed or otherwise operated upon two points of support, which will be found especially valuable for many kinds of work, as it prevents the possibility of tearing the work and supports it in a much firmer and better manner. In addition to the supporting points or hooks I provide either one or two sharpened attaching-shanks, making the whole of two pieces of wire, which are secured firmly together in any suitable manner.

1 denotes the supporting points or hooks, which are formed by sharpening ends of the pieces of wire and curving them downward and then upward.

2 denotes the attaching-shanks, which are sharpened at the ends and are left straight, so as to be readily attached in place, the strain in use being downward or inward, so that no fastening devices are required to hold them in place.

It will be noticed that the shanks are made very much longer than the supporting-points, so as to give firm hold upon the article to which it is attached and prevent it from yielding under strain. In the form shown in Fig. 1 two pieces of wire are used, one end of each piece being an attaching-shank and the other end having formed thereon a supporting-point. The portion of the wire between the

supporting-point and attaching-shank consists of a straight piece, 3, the two straight pieces being laid together in assembling and secured by soldering them together.

In the forms shown in Figs. 3 and 4, instead of soldering the straight pieces 3 together, they are twisted about each other, as shown, so as to lock the two pieces of wire firmly together, giving to the article as a whole two supporting-points and two attaching-shanks.

In the form shown in Fig. 5 the straight piece 3 is provided at each end with a supporting-point, and the attaching-shank is secured thereto by twisting its upper end around the straight portion 3 and securing it by solder. In the form shown in Fig. 6 the entire catchpin is made from a single piece of wire sharpened at both ends. The attaching-shank is made long, as in the other forms, and the supporting-point is formed by bending the upper end of the wire downward and inward, and then outward and upward again, the supporting-point being the same as in the other forms.

It will of course be understood that these details of construction may be greatly varied without departing from the principle of my invention—as, for example, the length of the straight portions and the attaching-shanks—and the shape and curvature of the attaching-points may be changed without affecting the invention in the slightest.

The operation is so simple as hardly to require explanation. The pin is secured in place by sticking the shank or shanks into a chair, sofa, or table-cover, or into the clothing of the user, and the work to be supported simply has to be caught upon the attaching-points, which are preferably made fine and sharp, so as not to injure the work in the slightest.

Having thus described my invention, I claim—

1 A catch-pin consisting of an attaching-shank and a supporting-point formed by curving the wire downward, and then outward and upward, said attaching-shank extending below the curve of the supporting-point.

2. A catch-pin consisting of supporting-points curved downward and upward, and one or more sharpened attaching-shanks, the whole being formed from two pieces of wire attached together in any suitable manner, substantially as shown and described.

In testimony whereof I affix my signature in presence of two witnesses.

EDWARD H. NASH.

Witnesses :

A. M. WOOSTER,

ETTA F. PETTIT.

J. A. SAVAGE.

SKIRT HOOK.

APPLICATION FILED OCT. 2, 1901.

NO MODEL.

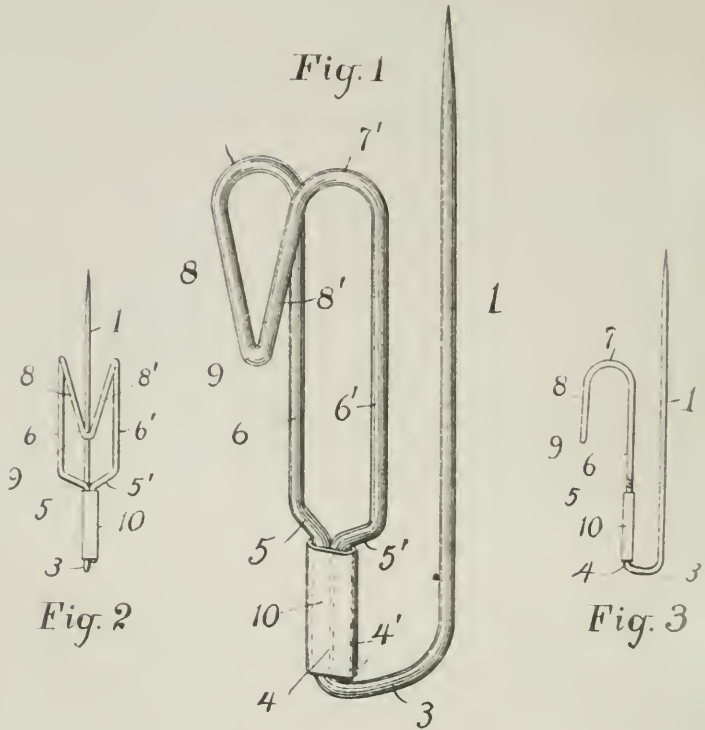


Fig. 2

Fig. 1

Fig. 3

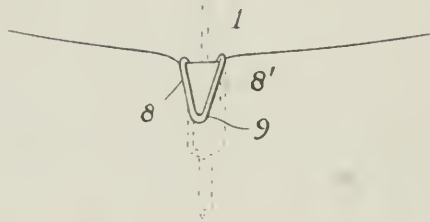


Fig. 4

Witnesses;

M. W. Upham.
S. A. Ford

Inventor

Julia A. Savage;

By *A. B. Upham*
 Her Attorney.

No. 728,769.

Patented May 19, 1903.

UNITED STATES PATENT OFFICE.

JULIA A. SAVAGE, OF BOSTON, MASSACHU-
SETTS.

SKIRT-HOOK.

SPECIFICATION forming part of Letters Patent
No. 728,769, dated May 19, 1903.

Application filed October 2, 1901. Serial No. 77,307.
(No model.)

To all whom it may concern:

Be it known that I, JULIA A. SAVAGE, a citizen of the
United States, and a resident of Roxbury district, Boston,

county of Suffolk, State of Massachusetts, have invented certain new and useful Improvements in Skirt-Hooks, of which the following is a full, clear, and exact description.

This invention is in the line of hooks for holding down in the present fashionable form the center front of a skirt-band; and the object of my invention is the effecting of certain improvements in detail, as follows: first, to so arrange the waist-engaging hook as to prevent the same from becoming caught in the waist in such a manner as to render it difficult to remove, and second, to strengthen the hook which engages the skirt-band.

Referring to the drawings forming part of this specification, Figure 1 is a perspective view, on an enlarged scale, of my improved skirt-hook. Fig. 2 is a front elevation of the same about normal size. Fig. 3 is a side elevation of the same; and Fig. 4 is a front view of the front part of a skirt-band, showing the hook holding the same.

The reference-numeral 1 designates the pin, which is designed to be inserted upward into the dress-waist or corset, or both, of the user. The lower end of the pin is bent somewhat sharply at its juncture with the shank 3 and the shank somewhat sharply at its juncture with the neck-section 4. Between the stem 6 and said neck-section is a shoulder 5, while at the upper end of said stem is the curved section 7, terminating in the part 8, composing one half of the V-shaped hook 9. The other half, 8', composing said hook 9, continues on through the bend 7', the stem 6', shoulder 5', and neck 4', forming a loop terminating in said neck, but otherwise exactly corresponding with the parts designated by the unprimed reference-numerals. Tightly clasped about the said neck-sections 4 4' is the

collar 10, fitting quite snugly between the shank 3 and the shoulders 5 5' and serving both to bind the neck 4' rigidly to the neck 4 and also to perform the function herein-after set forth.

In all hooks of this character previously constructed the pin, shank, and stem were one smoothly continuous length of wire, and in use the material composing the waist or corset was liable to slip along on the pin and shank and partially up the stem. Hence when the attempt was made to remove the hook from the cloth the latter, being thus around the bend of the hook or pin, simply slid farther up on the stem instead of off the pin, and so made it very hard to remove the hook. In my device, however, the cloth cannot slip farther than the lower end of the collar 10, which constitutes a fixed stop therefor and wholly overcomes the before-mentioned difficulty of removal.

By duplicating the hook and neck sections, as already described, the hook 9 is made of double the strength which it would otherwise be, and as it is only the hook which is liable to be bent at the curves 7 and not the shank 3 the extra strength is put where it is needed and a lighter and neater-looking device produced than can be made by forming the hook and pin sections of a single length of wire strong enough for the hook, but stronger and heavier than is needed for the pin. While light and graceful-appearing, my device is perfectly strong and serviceable. By separating the curves or bends 7 7' the hook is given a width which more perfectly engages the edge of the skirt-band, being much less liable to fray and cut into the same. The pointed or V shape of the hook 9 enables the

latter to be more readily caught upon the band edge, belt, or buckle.

It will be noticed that the collar 10 is prevented from being forced up along the stem of the hook by means of the shoulders 5 5', so that the pressure of the cloth along the shank 3 is unable to move said collar from the position best adapted for preventing the cloth from becoming entangled on the shank and stem of the pin. Were the collar 10 omitted and the necks 4 4' secured together by solder, the extremity of the neck 4' serves the same function of keeping the cloth from creeping up on the neck 4; but the easy fracture of solder makes the collar preferable.

What I claim as my invention, and for which I desire Letters Patent, is as follows, to wit:

1. The single length of wire formed into the pin at one extremity, and the duplicate necks, shoulders, stems and hook, in combination with the collar embracing said necks and terminally fitting between said shoulders and pin, substantially as described.

2. The single length of wire formed into the pin at one extremity and having the other extremity bent over and secured near the base or shank of the pin; the doubled portion of the wire being formed into the V-shaped hook with its bends located substantially apart, substantially as described.

3. In a skirt-hook, the combination of the wire loop having one part thereof bent over to form the two-strand skirt-engaging hook; the pin projecting from the part thereof opposite to said hook and in a reverse direction thereto; and a collar binding the parts together and acting to prevent the fabric into which said pin is inserted from slipping past the shank thereof, substantially as described.

In testimony that I claim the foregoing invention I have hereunto set my hand this 30th day of September, 1901.

JULIA A. SAVAGE.

Witnesses :

A. B. UPHAM,

G. F. HASKINS.

A. E. G. M. LACOIN.
NECKTIE BAND FASTENER.
APPLICATION FILED NOV. 5, 1902.

NO MODEL.

Fig. 1.



Fig. 2.

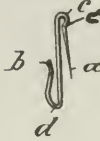


Fig. 3.

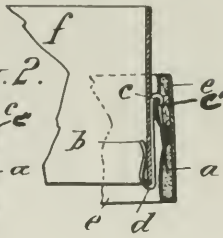
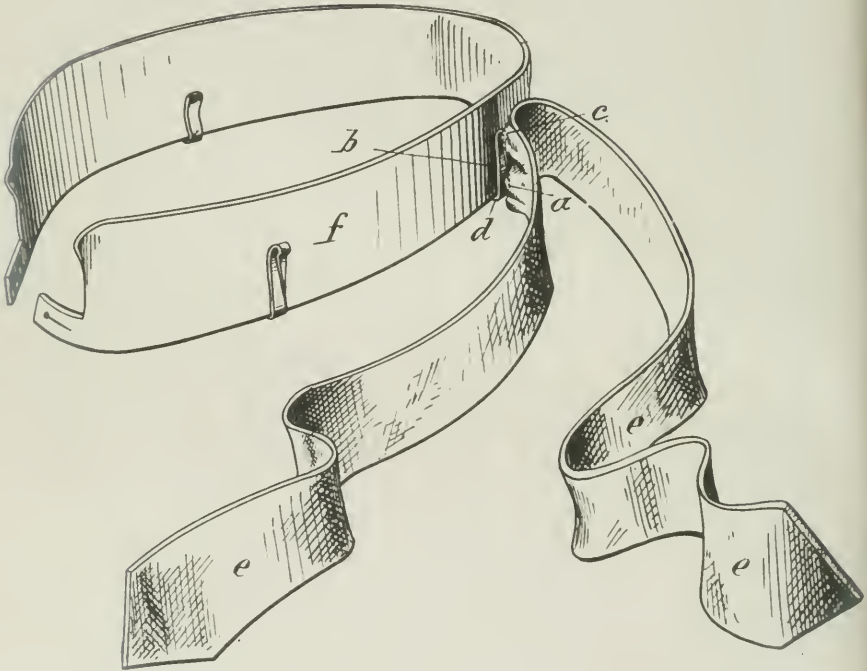


Fig. 4.



Witnesses:
E. Hannusch
L. Waldman

Inventor:
Auguste Emile Gustave Marie Lacoïn
per P. Singer
Attorney

No. 751,305.

Patented February 2, 1904.

UNITED STATES PATENT OFFICE.

AUGUSTE EMILE GUSTAVE MARIE LACON, OF
PARIS, FRANCE.

NECKTIE-BAND FASTENER.

SPECIFICATION forming part of Letters Patent No.
751,305, dated February 2, 1904.

Application filed November 5, 1902. Serial No. 130,176.
(No model.)

To all whom it may concern:

Be it known that I, AUGUSTE EMILE GUSTAVE MARIE LACON, a citizen of the French Republic, and a resident of Paris, France, have invented certain new and useful Improvements in Necktie-Band Fasteners, of which the following is a specification.

The object of this invention is a fastener intended to fix ties to collars in such a manner that the said ties can neither rise up nor slip upon the collars.

The different systems of fixing ties in vogue up to the present are without exception of a complicated manufacture, which is a great inconvenience. They require the use of springs, which very quickly lose their elasticity by reason of the oxidation produced by perspiration. Moreover, the greater portion of these clips fasten the lower end of the tie to the shirt-front, and owing to this, although the tie may be well fixed, it slips upon the collar whenever the shirt-front slips up, creases, or loses its stiffness. The fastener forming the objection of this invention remedies these defects. It is formed of a metal pin flattened out at one end and pointed at the other, then folded in the form of an S, so as to constitute two hooks, one of which engages the lining of the tie, while the other, bent in the opposite direction, hooks under the collar, thus retaining the tie in place.

In the accompanying drawings, given by way of example, Figure 1 shows the form of the metal pin intended to form a fastener. Fig. 2 shows a finished fastener. Fig. 3 shows the fastener engaged in the lining of a tie and on a collar. Fig. 4 shows the fastener in position and holding the tie to the collar.

The tie-fastener shown in Figs. 1 to 4 comprises a metal pin *a b*, one end whereof is flattened and presents a surface of a certain width tapering down toward the other end *a*, where it terminates in a pointed end, thereby constituting a pin. This pin is bent into the form of an S in order to constitute two hooks *a c* and *b d*, one of which *a c*, is intended to enter the lining *e* of the tie and the

other end, *b d*, hooks beneath the collar *f* in such a way as to maintain the tie by acting as a spring and to prevent it from rising up. The body portion of the fastener, together with the portions *c* and *a*, form an outwardly curved portion at the upper end of the fastener, which is also bent inwardly toward the body portion and extended away at an angle to the body portion. From this inner end extends the hook portion *a*, which engages the tie. At the point where the inwardly-bent portion *c* joins the hook *a* is formed an impinging point of contact *c'*, adapted to more securely hold the tie by contact therewith. The flattened end *d* of the body portion is bent inwardly toward the body, this curved portion being adapted to receive the collar, and is then bent outwardly from the body to form a contacting portion *b*. The formation of this portion of the fastener produces an impinging spring member *b d*, which serves to hold the device securely upon the collar.

The above-described tie-fasteners can be fixed with the greatest ease at any part of the tie and as many as required; but it is only necessary to have a fastener at the back of the collar and one at each side of the tie-knot to completely maintain the same in place.

The tie-fastener described once applied is invisible, which is not the case with the fasteners hitherto employed. This fastener can also be made in all sizes and of any suitable material. By the peculiar shape of the spring forming ends of this fastener the spring portions are protected from the detrimental effect of perspiration when secured to the collar.

Having now fully described my invention, what I claim, and desire to secure by Letters Patent, is—

A tie-fastener comprising an integral metal pin formed with an enlarged flattened end and tapering to a point at its other end, the body portion of said pin being straight and the ends thereof being bent on opposite sides to form hooks, the pointed end being bent toward the body portion and then extended away from said portion at an angle thereto, thereby forming a contacting point adapted to hold the tie more firmly within the fastener, and the flattened end of said body portion being first bent toward the body portion and then away therefrom, thereby forming a spring member with a contacting portion adapted to engage the collar and secure the fastener to the collar, substantially as described.

In testimony whereof I have hereunto set my hand in presence of two witnesses.

AUGUSTE EMILE GUSTAVE MARIE LACQIN.

Witnesses:

ADOLPHE STURM,

EDWARD P. MACLEAN.

(Photo.)

1,170,601.

Patented Feb. 8, 1916.

Fig. 1.



Fig. 2.

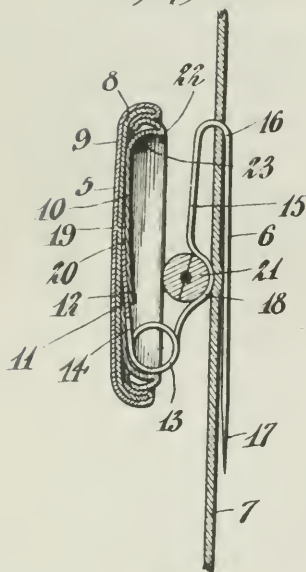


Fig. 3.

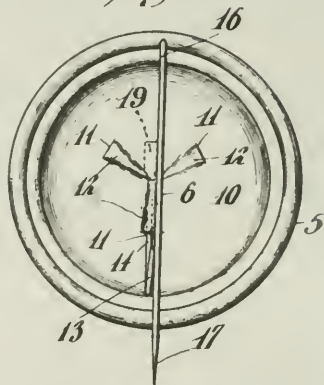
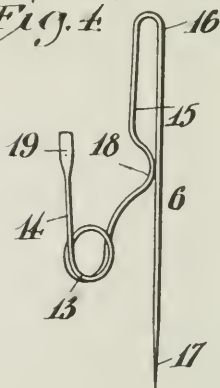


Fig. 4.



Witnesses:
 Jacob Oberst, Jr.
 Eda M. Schweiger.

John C. Bliemeister, Inventor.
 By Emil Kurland
 Attorney.

UNITED STATES PATENT OFFICE.

JOHN C. BLIEMEISTER, OF BUFFALO, NEW YORK.

BADGE AND PENCIL HOLDER.

1,170,601.

Patented Feb. 8, 1916.

Specification of Letters Patent.

Application filed July 22, 1914. Serial No. 852,381.

To all whom it may concern:

Be it known that I, JOHN C. BLIEMEISTER, a citizen of the United States, residing at Buffalo, in the county of Erie and State of New York, have invented certain new and useful Improvements in Badge and Pencil Holders, of which the following is a specification.

My invention relates to a combined badge and pencil holder adapted to be attached to some part of the wearing apparel and to display the matter printed, stamped, or otherwise placed upon the badge, while conveniently retaining the pencil in position.

The primary object of my invention is the production of a pencil holder having a badge portion on which may be printed or otherwise displayed an advertisement, or in certain cases to disclose the authority of the person using the same to make collections, inspections and the like.

Another object of my invention is the provision of a device of this kind which is inexpensive and which will retain a pencil in position and at the same time assure the secure fastening of the device to the wearing apparel; the device on account of its inexpensive construction serving admirably as an advertising novelty which can be gratu-

itously distributed, or given away with purchases of different commodities.

The invention consists in the novel features of construction and in the arrangement and combination of parts to be hereinafter described and more particularly pointed out in the subjoined claims.

Figure 1 is a view showing my improved badge and pencil holder applied to a garment. Fig. 2 is an enlarged vertical section through the device and a portion of a garment, showing the manner in which the pencil is retained within the device and serves to assist in clamping the garment to prevent accidental detachment of the device therefrom. Fig. 3 is a rear view of the device. Fig. 4 is a detached perspective view of the combined pencil retainer and fastening member.

Referring now to the drawings in detail, like numerals of reference refer to like parts in the several figures.

The device comprises two parts, one a badge or display member 5, and the other a combined pencil retainer and fastening member 6.

7 designates a garment to which the device is adapted to be secured.

The badge or display member 5 may be constructed in any suitable manner permitting of the particular attachment thereto of the combined pencil retainer and fastening member herein shown. The preferred construction comprises a disk having a metallic foundation or body portion 8 over the outer face of which a circularly formed piece of celluloid 9 is adapted to be placed, the celluloid serving as the facing member and having the desired information or advertisement printed, stamped or otherwise displayed thereon. The marginal portion of the celluloid

is curved around the foundation or body portion 8 and is clamped thereto by a back plate 10, said back plate being formed of resilient material so that it will effectively retain the celluloid facing member in place. Said back plate is provided with a plurality of slits 11 which are arranged at right angles to radial lines, and the metal of the backing extending inwardly from said slits is raised, as at 12, to permit one end of the combined pencil retainer and fastening member to be thrust behind the back plate. Although a single slit would be sufficient to provide a practicable device of this kind, I preferably provide a plurality of slits for the reason that when the back plate is placed in position to clamp the marginal portion of the celluloid facing member it will not be necessary to place said back plate in any particular position with reference to the matter displayed on the badge or button.

The combined pencil retainer and fastening member is inserted in the slit 11 which will serve to bring the display matter on the badge or button in proper position. The combined pencil retainer and fastening member is formed of wire coiled at a point near one end, as at 13, the wire being extended from the coil in two stretches, 14, 15, the stretch 15 being rebent upon itself, as at 16, and its extremity pointed, as at 17, so that it serves as a pin. The stretch of wire 15 between the coil and its rebent portion is curved or crooked, as at 18, and this curved or crooked portion lies in contact with the rebent portion 16. The extremity of the stretch of wire 14 is flattened, as at 19, and this flattened portion is adapted to be thrust through any one of the slits 11 in the back plate and be forced inwardly between said back plate and the foundation or body portion 8 of the badge member, as at 20. The flat-

tened portion 19 being securely clamped between said back plate and foundation or body portion prevents turning of the combined pencil retainer and fastening member on the badge member.

When attaching the device to a garment, the rebent or pin portion 16 thereof is thrust through the material of the garment and the crooked or curved portion 18 serves to clamp the material of the garment so that the device cannot accidentally become disengaged therefrom. This clamping tendency of the crooked or curved portion 18 is increased when a pencil is thrust into the device, as shown at 21, the pencil being forced downwardly between the badge member and the stretch of wire 15, the badge member being flexed outwardly on the coil 13 during this action and recovering itself when the pencil reaches the crooked or curved portion 18 in which it is retained, the edge portion 22 of the back plate being in contact with the pencil and being pressed thereagainst by the action of the coil 13. The pencil when positioned within the holder lies at right angles to the combined pencil retainer and fastening member and the proper position of the device is such that said combined pencil retainer and fastening member is always in vertical or substantially vertical position. There is consequently no tendency of the pencil moving lengthwise within the device, as would be the case if said combined pencil retainer and fastening member were arranged in horizontal position.

The device as described is one that can be easily assembled, and attention is invited to the fact that the back plate is curved rearwardly, as at 23, as the metal of the same leaves the foundation or body portion 8. This permits of placing the coil 13, when the parts are assembled,

in contact with the outwardly curved portion of the back plate and said curved portion serves as a stop to prevent accidental disengagement of the badge or display member from the combined pencil retainer and fastening member, it being necessary that the badge or display member be forced outwardly away from the coil, or the coil forced inwardly from the back plate thereof, before the two parts of the device can be separated. Yet the construction is such that the securing end 14 of the wire can be easily thrust through any of the slits 11 and into the space between the foundation or body portion 8 and the back plate 10.

Having thus described my invention, what I claim is,—

1. A combined badge and pencil holder comprising a badge or display member, and a combined pencil retainer and fastening member formed of wire fashioned into a coil and having the wire extended in two stretches from said coil, one of said stretches being secured to said badge or display member and the other being directed substantially parallel with said first stretch and recurved upon itself, the extremity of said recurved portion being pointed to permit of attaching the device to a garment, said second-mentioned stretch being spaced from said badge or display member to permit of placing a pencil between the two.

2. A combined badge and pencil holder comprising a badge or display member and a combined pencil retainer and fastening member, said pencil retainer and fastening member being formed of wire fashioned into a coil near one end and having a short and a comparatively long stretch of wire extending from said coil, said short stretch of wire being fastened to said badge or display member

and said long stretch being recurved upon itself and having its extremity pointed, said long stretch being further provided with a crooked or curved portion between its recurved portion and said coil and said crooked or curved portion lying in contact with said recurved portion.

3. A device of the kind described, comprising a badge or display member having a foundation or body portion and a back plate, said back plate being provided with a slit, and a fastening member formed of wire having one extremity flattened and adapted to be thrust through said slit and be entered and clamped between said foundation or body portion and said back plate.

4. A device of the kind described, comprising a badge or display member having a back plate provided with a plurality of slits arranged in different radial planes, and a fastening member formed of wire adapted to have one end thereof thrust behind said back plate through any one of said slits.

5. A device of the kind described, comprising a badge or display member having a back plate provided with slits arranged in different radial planes, and a fastening member formed of wire fashioned into a coil near one end to provide a long and a short stretch of wire extending therefrom, said short stretch of wire being flattened at its extremity and thrust behind said back plate through any one of said slits.

In testimony whereof I affix my signature in presence of two witnesses.

JOHN C. BLIEMEISTER.

Witnesses :

EMIL NEUHART,

EDA M. SCHWEIGER.

Copies of this patent may be obtained for five cents each, by addressing the "Commissioner of Patents, Washington, D. C."

E. B. ASSMORE.
 DRAPERY SUSPENSION PIN FOR CURTAIN RINGS.
 APPLICATION FILED JAN. 9, 1912.

1,069,999.

Patented Aug. 12, 1913.

Fig. 1.

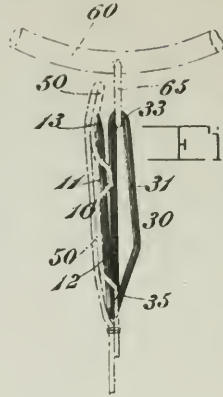
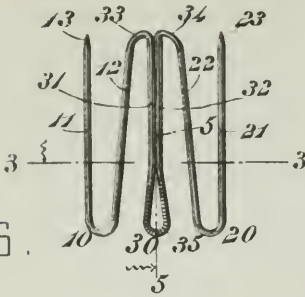


Fig. 2.

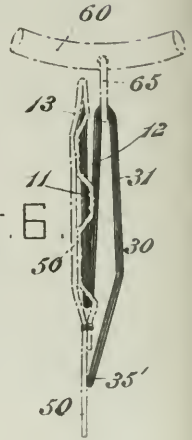


Fig. 3.

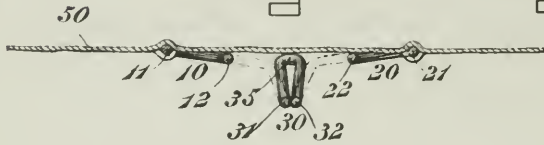


Fig. 4.

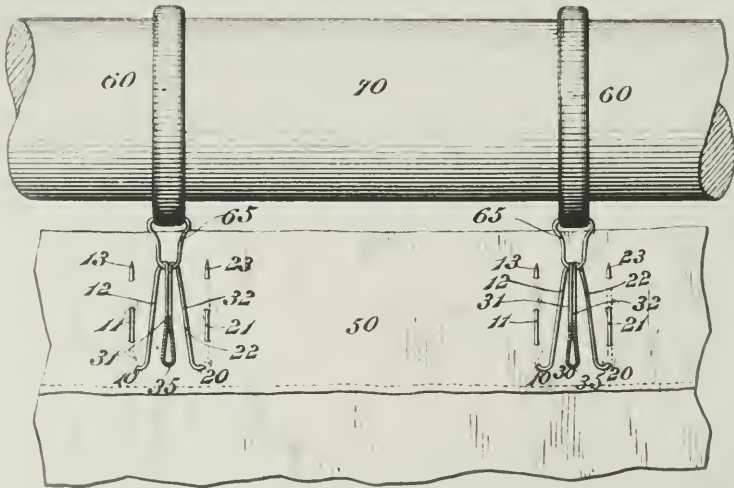


Fig. 5.

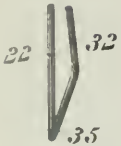


Fig. 6.

Witnesses
Harry King
Mary Y. Brooks

Inventor
E. B. Assmore
 By *A. C. Jones*,
 Attorney

Ashmore 1,069,999 Aug. 12, 1913.

UNITED STATES DISTRICT COURT, SOUTHERN
DISTRICT OF CALIFORNIA. SOUTHERN
DIVISION.

----- :
JAMES W. MCGHEE and EDWARD :
C. JINKS, trading as McGhee & Jinks, : H. L.
Plaintiffs, : N. P.
vs. : No. M 27 M
LE SAGE & COMPANY, INC., a cor- : Equity.
poration, :
Defendant. :
----- :

DEFENDANT'S EXHIBIT O.

(Attached to New York Depositions)

(Photo.)

UNITED STATES PATENT OFFICE.

EDITH BANCROFT ASHMORE, OF PHILA-
DELPHIA, PENNSYLVANIA.

DRAPERY-SUSPENSION PIN FOR CURTAIN-
RINGS.

1,069,999.

Patented Aug. 12, 1913.

Specification of Letters Patent.

Application filed January 9, 1912. Serial No. 670,230.

To all whom it may concern:

Be it known that I, EDITH BANCROFT ASHMORE, a
citizen of the United States of America, residing at

Philadelphia, in the county of Philadelphia, in the State of Pennsylvania, have invented certain new and useful Improvements in Drapery-Suspension Pins for Curtain-Rings, whereof the following is a specification.

This invention relates to hookpins especially adapted for hanging curtains, portieres and other draperies in connection with the rings of curtain poles.

The object of the invention is to provide a pin of this character which, combining the properties of simplicity of construction, cheapness of manufacture and facility of application, will lie approximately flat with the plane of the fabric, holding it straight and preventing it from flopping or falling over will not tear the fabric and will have a substantial frictional locking contact therewith.

Figure 1 of the accompanying drawings represents a front elevation of a drapery suspension pin embodying this invention. Fig. 2 represents a side elevation thereof. Fig. 3 represents a horizontal section thereof on line 3—3 of Fig. 1. Fig. 4 represents a fragment of a curtain and two of these suspension pins applied thereto in operative connection with curtain pole rings, and a fragment of a curtain pole. Fig. 5 represents a vertical section on line 5—5 of Fig. 1. Fig. 6 represents a side elevation of the device in which the tongue is elongated and comes in contact with the fabric at a point below the return bends of the upturned hooks.

The same reference numbers indicate corresponding parts in the different figures.

This drapery suspension hookpin is composed of wire in one piece and comprises two outer upturned U-shaped hooks 10 and 20 laterally spread in approximately the same plane, their inner legs 12 and 22 diverging downward

the outer upturned legs 11 and 21 having sharpened prongs 13 and 23, and an intermediate downturned tongue 30 composed of two wires 31 and 32 united respectively by return bends 33 and 34 with the upper end of said diverging inner legs 12 and 22 of said upturned hooks and at their lower ends with each other by a return bend 35. The tongue is preferably spread slightly at its lower end and bent inward approximately to the plane of said spread upturned hooks.

In Fig. 6 the tongue 35' corresponding to the tongue 35 of the other figures, is elongated so as to touch the fabric at a point below the plane of the bends 10 and 20. This construction may be preferred in some cases.

In the use of this drapery pin, the pointed prongs 11 and 21 are inserted in the fabric of the curtain 50 as indicated in Figs. 2, 3 and 4 and the tongue 30 is passed through the eye 65 hung in the curtain pole ring 60 on the curtain pole 70 as shown in Fig. 4. The spreading of the whole structure into approximately the same plane causes the hooks to hold the fabric without wrinkling, the diverging inner legs 12 and 22 and the backward bend of the tongue 30 between them all resting against the fabric. The bent tongue also serves as a friction lock against accidental detachment of the hook 35 from the eye 65 as sometimes happens with ordinary hooks when the curtain is suddenly thrown or jerked for the purpose of sliding it along the pole. The inverted spread hooks with sharpened points perform the double function of engaging the fabric without stitching and of holding the edge thereof straight after engagement, thus keeping the fabric from flopping or falling over.

I claim as my invention:

A curtain pole ring drapery suspension pin composed of wire in one piece and comprising two upturned hooks laterally spread in approximately the same plane, their inner legs diverging downward and their outer legs constituting sharp pointed pins, and an intermediate downturned tongue united with the upper ends of said diverging inner legs and extending downward between them forming therewith a downturned hook, the lower end of said tongue being bent backward approximately to the plane of said spread hooks and adapted to form a frictional lock in connection with the fabric to be suspended.

EDITH BANCROFT ASHMORE.

Witnesses:

FRANK CHASE SOMES,

MARY Y. BROOKS.

Copies of this patent may be obtained for five cents each, by addressing the "Commissioner of Patents, Washington, D. C."

(Photo.)

270 En
 AA
 M-27
 (C)



ENTERED AT STATIONERS HALL. COPYRIGHT

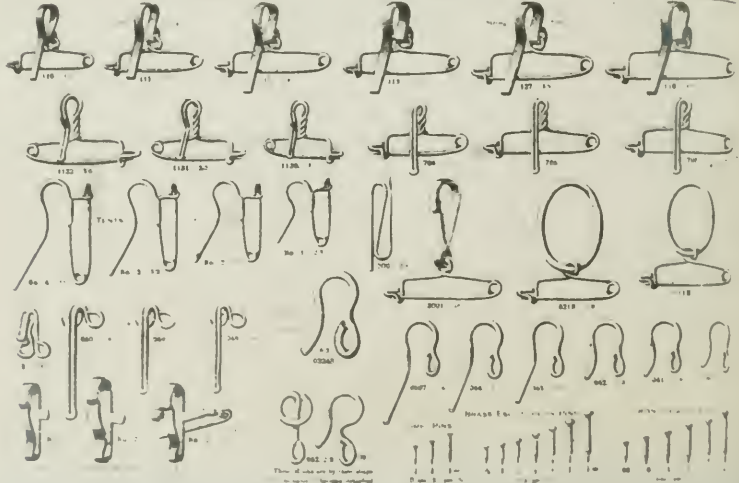
GENERAL BRASSFOUNDERS.



62

DIPPED BRASS CURTAIN HOOKS & C Per gross.

MALE HALF INCH



These hooks are for sale by the gross only.

Great Britain and Ireland.
London, England,
Consulate-General of the United States of America. } SS:

I, J. P. Doughten ~~Vice~~-Consul of the United States of America, at London, England, do hereby make known and certify to all whom it may concern, that the signature "M. C. B. Dawes" subscribed to the annexed Certificate, is of the true and proper handwriting of M. C. B. Dawes, Assistant Keeper of the Public Records, London, England that the seal affixed to the said Certificate is the seal of the Public Record Office England and that to all acts signed as the annexed full faith and credit are and ought to be given in Judicature and thereout.

In testimony whereof I have hereunto set my hand and affixed the Seal of the Consulate-General of the United States of America, at London, (Seal) England, aforesaid, this 5th day of December 1927.

J. P. Doughten
~~Vice~~-Consul of the United States of America,
at London, England.

[American Consulate Office \$2 Fee Stamp]

Service No. 14807 Fee \$2=8s. 4d.

PUBLIC RECORD OFFICE COPY.

(Pursuant to Statute 1 & 2 Vict., c. 94.)
 [Emblem; 4 Documentary Stamps]
 Copyright Records. Registry Books. Vol. 35. Part 2.
 Original Entries. 1894 to 1896. Page 25.

25 No.	Time of making the Entry	Title of Book	Name of Publisher and Place of Pub- lication.	Name and Place of Abode of the Pro- prietor of the Copy- right.	25 Date of First Publication.
9248	Jan 19 1895	Centenary Edition of General Brass- foundry 1895.	Tonks, Limited. 201, Moseley St., Birmingham.	Tonks, Limited, 201, Moseley St., Birmingham.	1st January 1895.

I certify that the foregoing is a true and authentic Copy.

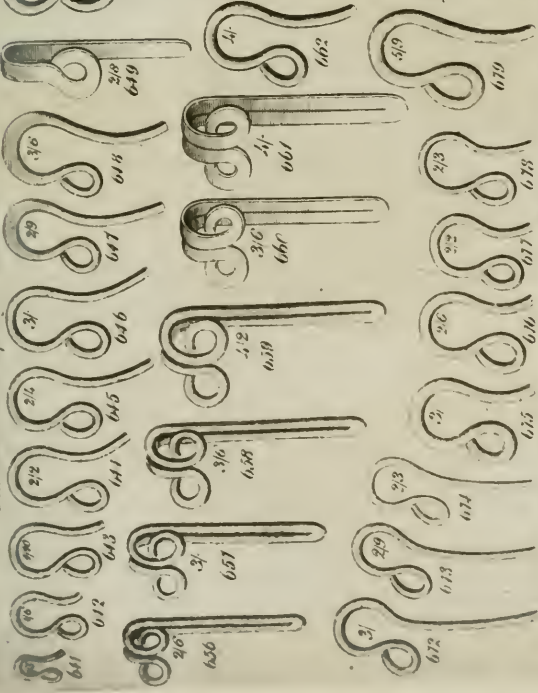
[Seal]

M. C. B. Dawes,
 Assistant Keeper of the Public Records.,
 2nd December 1927

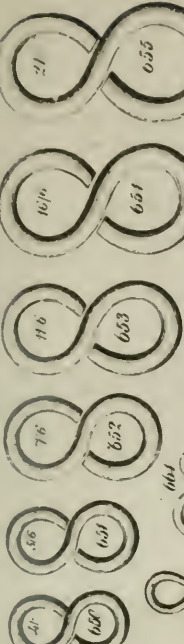
W.P.

1. The ...
REV. J. ...

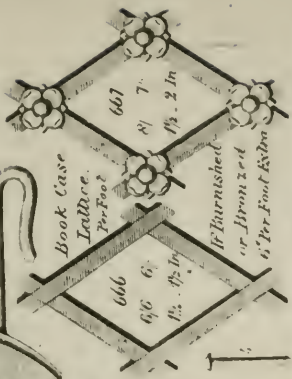
Caravan & Drapery Hooks Per Gro.



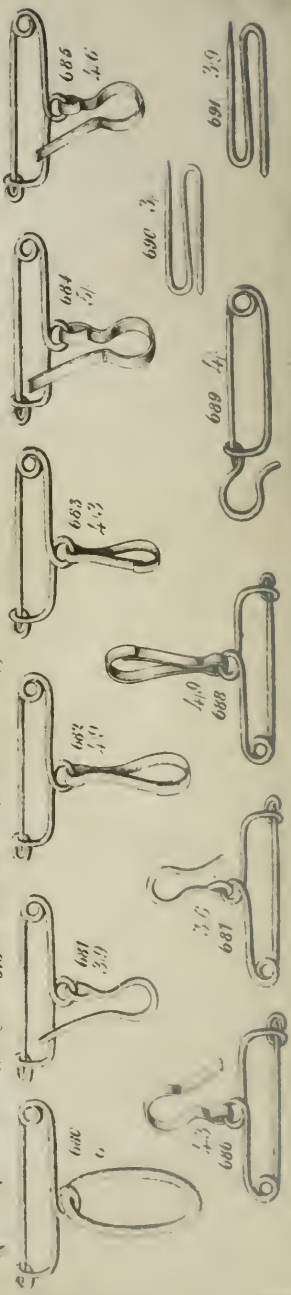
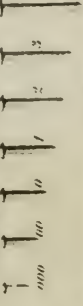
S. Hooks. Per Gro.



665 16" Apron Hooks Per Gro.



Press: Escutcheon Pins Per Doz.





Defts Ex AA

(Photo.)

Patented Nov. 27th 1923

[Cut of Non-Sew-On Drapery Hook]

Pat

“A Labor Saver”

NON-SEW-ON DRAPERY HOOK C. P. D.

Manufactured by

McGHEE & JINKS

4337 Price Street Los Angeles, Calif.

Phones RO-0397 596-056

March 14, 1927.

H. L. Judd Co.,

87 Chambers St.,

New York City, N. Y.

Gentlemen:

This is to notify you that the brass drapery hooks which you are manufacturing and selling are an infringement of our United States Letters Patent No. 1,475,306, issued November 27, 1923, to James W. McGhee and Edward C. Jinks.

In the past, your Company has shown a disposition not to infringe our patents, and we are taking this means of calling the infringement to your attention. We dislike to commence any litigation, but if we are compelled to protect our patent rights, we will do so.

We therefore at this time make demand on you that you cease manufacturing and selling these drapery hooks, and we demand at this time that you account to us for the profits made by you in the manufacture and sale of these drapery hooks.

We find these drapery hooks so manufactured and sold by you in the hands of several of the large department stores and jobbers throughout the United States, and unless you immediately cease manufacturing and selling these drapery hooks and account to us for the profits you have made and the damages that we have sustained by reason of your manufacture and sale of these hooks, we will be obliged to protect our patent by bringing infringement suits in the proper Courts.

Yours very truly,

McGHEE & JINKS,

By James W. McGhee.

JWMcG/MFB

[Endorsed]: No. M-27-M Eq. McGhee & Jinks vs. Le Sage & Co Defts Exhibit No. CC Filed 5/3 1928 R. S. Zimmerman, Clerk by Murray E. Wire, Deputy Clerk

tion sought is with a desire to avoid any infringement; in other words, we desire to extend to you the same courtesy we would expect from others.

Awaiting a favorable reply, we are

Yours truly,

H. L. JUDD CO., Inc.,

Wm. H. Edsall

Vice Pres.

WHE/K

[Endorsed]: No. M-27-M. McGhee & Jinks vs. Le Sage & Co defts Exhibit No. DD Filed 5/3 1928 R. S. Zimmerman, Clerk by Murray E. Wire, Deputy Clerk

[Face of Envelope]

If not called for in 5 Days, return to
H. L. JUDD COMPANY, Inc.
Drapery Hardware, Carpet Hardware,
Brass Fancy Goods, etc.
42 So. Cherry St.,

WALLINGFORD, CONN.

Messrs. McGhee & Jinks,

Los Angeles,

California.

[Five Postage Stamps—1 10c, 1 5c, 2 2c, 1 1c]

Registered Return Card Requested.

Registered No. 2958

[Stamped in Fist]: Returned to Writer unclaimed from Los Angeles, Calif.

[Stamped on face]: Unclaimed. Apr 5—1926 2nd
NOTICE Apr 9 1926 Apr 14 1926 7813

[Written in pencil]: Sent 4/19/26 to 4337 Price St
Los Angeles Calif

[Written in ink]: defts DD. M-27-M-Eq (M)

IN THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION.

JAMES W. McGHEE and EDWARD)
C. JINKS, trading as McGHEE &)
JINKS,)

Plaintiffs,)

vs.)

IN EQUITY
NO. M-27-M

LeSAGE & COMPANY, INC., a cor-)
poration,)

Defendant.)

PETITION FOR APPEAL

TO THE HONORABLE Wm. P. JAMES, UNITED
STATES DISTRICT JUDGE:

The above named plaintiffs, feeling aggrieved by the Decree rendered and entered in the above entitled cause on the 6th day of July, 1928, do hereby appeal from said Decree to the United States Circuit Court of Appeals for the Ninth Circuit, for the reasons set forth in the Assignment of Errors filed herewith, and pray that the appeal be allowed and that citation be issued as provided by law, and that a transcript of the record, proceeding, papers and documents upon which said Decree was based, duly authenticated, be sent to the United States Circuit Court of Appeals for the Ninth Circuit, under the rules of such courts in such cases made and provided; and your peti-

tioners further pray that the proper Order, relating to the security to be required by them, be made.

James W. McGhee,

Edward C. Jinks.

By Henry S. Richmond

Lyon & Lyon

Solicitors for Plaintiffs.

Henry S. Richmond

Attorneys and counsel for Plaintiffs.

[Endorsed]: In Equity No. M-27-M United States District Court Southern District of California Southern Division James W. McGhee and Edward C. Jinks, etc. Plaintiff vs. LeSage & Company, Inc., a corporation, Defendant Petition for Appeal Filed Oct. 5, 1928 R. S. Zimmerman R. S. Zimmerman, Clerk. Lyon & Lyon Frederick S. Lyon Leonard S. Lyon 708 National City Bank Building Los Angeles, Cal.

IN THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION.

JAMES W. MCGHEE and EDWARD)
C. JINKS, trading as MCGHEE &)
JINKS,)

Plaintiffs,)

vs.)

IN EQUITY
NO. M-27-M

LeSAGE & COMPANY, INC., a cor-)
poration,)

Defendant.)

ASSIGNMENT OF ERRORS.

Now come the above named plaintiffs, JAMES W. MCGHEE and EDWARD C. JINKS, and file the follow-

ing Assignment of Errors upon which they will rely upon the prosecution of the appeal, in the above entitled cause, from the Decree entered and recorded July 6th, 1928, by this Honorable Court, ORDERING, ADJUDGING and DECREERING that plaintiffs' Bill of Complaint be dismissed:

That the United States District Court for the Southern Division of the Southern District of California erred

I. In decreeing that the Bill of Complaint be dismissed.

II. In decreeing that defendant have judgement against plaintiffs, and each of them, for defendant's costs and disbursements incurred in the above entitled cause.

III. In failing to find and decree that United States Letters Patent No. 1,475,306, granted to plaintiffs November 27, 1923, for DRAPERY HOOK, are good and valid in law.

IV. In finding that United States Letters Patent No. 1,475,306 were invalid in that the patent discloses no invention over devices made and marketed prior to the date of the patent application and that plaintiffs' device was not new in the art.

V. In failing to find and decree that defendant infringed United States Letters Patent No. 1,475,306.

VI. In admitting in evidence defendant's exhibits A and B, being, respectively, Tonks Catalogue and The Whitehouse Catalogue.

VII. In failing to find and decree that plaintiffs were entitled to the relief prayed for in their Bill of Complaint.

WHEREFORE, the appellants pray that said decree be reversed and that said District Court of the Southern Division for the Southern District of California, be ordered to enter a decree reversing the decision appealed

from and entering a decree in favor of plaintiffs in this cause, as prayed in the Bill of Complaint.

JAMES W. MCGHEE

EDWARD C. JINKS

By Henry S. Richmond

Solicitor for said Plaintiffs.

Lyon & Lyon

Henry S. Richmond

Solicitors and of counsel for Plaintiffs.

[Endorsed]: In Equity No. M-27-M. United States District Court Southern District of California, Southern Division. James W. McGhee and Edward C. Jinks, etc., plaintiff, vs. Le Sage & Company, Inc., a corporation, defendant. Assignment of Errors. Filed Oct 5, 1928 R. S. Zimmerman, R. S. Zimmerman, Clerk. Lyon & Lyon Frederick S. Lyon, Leonard S. Lyon 708 National City Bank Building Los Angeles, Cal.

IN THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION

JAMES W. MCGHEE and EDWARD)
C. JINKS, trading as MCGHEE &)
JINKS,)

Plaintiffs,)

vs.)

IN EQUITY
NO. M-27-M

LeSAGE & COMPANY, INC., a cor-)
poration,)

Defendant.)

ORDER ALLOWING APPEAL

On motion of HENRY S. RICHMOND, ESQ., one of the solicitors and of counsel for the above named plaintiffs,

IT IS HEREBY ORDERED that an appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the decree heretofore filed and entered herein on the 6th day of July, 1928, *may*, and the same is hereby, allowed and that a certified transcript of the record, testimony, exhibits, stipulation and all proceedings be forthwith transmitted to the said United States Circuit Court of Appeals for the Ninth Circuit.

IT IS FURTHER ORDERED that bond on appeal be fixed in the sum of Two Hundred Fifty (\$250.00) Dollars to act as a bond for costs on appeal.

DATED this 5 day of October, 1928.

Wm P. James

United States District Judge.

[Endorsed]: In Equity No. M-27-M United States District Court Southern District of California Southern Division. James W. McGhee and Edward C. Jinks, etc. Plaintiff vs Le Sage & Company, Inc., a corporation, Defendant Order Allowing Appeal. Filed Oct. 5 1928 R. S. Zimmerman, Clerk, By L. J. Cordes, deputy clerk. Lyon & Lyon Frederick S. Lyon Leonard S. Lyon 708 National City Bank Building Los Angeles, Cal.

WARD C. JINKS having obtained an appeal and filed a copy thereof in the Clerk's office of said court to reverse the decree in the aforesaid suit, and a citation directed to the said LeSAGE & COMPANY, INC. citing and admonishing it to be and appear at a session of the United States Circuit Court of Appeals for the Ninth Circuit to be held at the City of San Francisco in said court on the 4th day of November next;

NOW, the condition of the above obligation is such, that if the said JAMES W. McGHEE and EDWARD C. JINKS shall prosecute their appeal to affect and answer all damages and costs if they fail to make their plea good, then the above obligation to be void; else to remain in full force and virtue.

SEALED and delivered in the presence of:

Henry S. Richmond

I. L. Fuller

James W. McGhee

Edward C. Jinks

Approved by:

Wm P James

U. S. District Judge

[Endorsed]: No. M-27-M. United States District Court Southern District of California, Southern Division. James W. McGhee and Edward C. Jinks, trading as McGhee & Jinks, plaintiffs, vs. Le Sage & Company, Inc. a corporation, defendant. Bond on Appeal. Filed Oct 8, 1928 R. S. Zimmerman. R. S. Zimmerman, Clerk. Lyon & Lyon, Frederick S. Lyon, Leonard S. Lyon, 708 National City Bank Building, Los Angeles, Cal.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

JAMES W. McGHEE and EDWARD)
C. JINKS, trading as McGHEE &)
JINKS,)

Plaintiffs-Appellants,)

vs.)

In Equity
No. M-27-M

LeSAGE & COMPANY, INC., a cor-)
poration,)

Defendant-Appellee.)

PRAECIPE FOR TRANSCRIPT OF RECORD ON
APPEAL UNDER EQUITY RULE 75

TO THE CLERK OF SAID COURT:

Sir: After approval of statement of evidence:

Please compare proof to be furnished you by printer, and certify under the provisions of the Act of February 13, 1911, c. 47, Sec. 1, 36 Stat. 901; Title 28, c. 18, Sec. 865 of the United States Code printed transcript of Record on appeal in the above entitled cause for filing by appellants James W. McGhee and Edward C. Jinks with the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, which said transcript shall contain true and complete copies of the following files, records, and documents:

- (1) Bill of Complaint filed June 11, 1927;
- (2) Answer of Defendant, filed August 2, 1927;
- (3) Minute Order of Judge James filed June 23, 1928;
- (4) Final Decree entered July 6, 1928;

(5) Plaintiffs' Exhibit 1, Letters Patent No. 1,475,306;

(6) Plaintiffs' Exhibit 2, Assignment of Letters Patent No. 1,475,306 from McGhee to Jinks;

(7) Plaintiffs' Exhibit 3-B, invoice of LeSage & Company dated June 9, 1927;

(8) Plaintiffs' Exhibit 4, letter LeSage & Company to Lyon & Lyon dated March 14, 1927;

(9) Defendant's Exhibit CC, letter from McGhee and Jinks to H. L. Judd Company dated March 14, 1927;

(10) Defendant's Exhibit DD, letter from Judd & Co. to McGhee & Jinks dated March 31, 1926;

(11) Defendant's Exhibit J, certified copy of file wrapper and contents of patent in suit No. 1,475,306;

(12) Defendant's Exhibit K, British patent to French 28,885 of Dec. 16, 1912;

(13) Defendant's Exhibit L, British patent to Harrison of April 28, 1886;

(14) Defendant's Exhibit M, British patent to Timmis of June 23, 1910;

(15) Defendant's Exhibit N consisting of the following patents:

Fay	No.	15,226	dated	July	1,	1856
Gunn		303,370	"	Aug.	12,	1884
Riggs		392,363	"	Nov.	6,	1888
Nash		404,102	"	May	28,	1889
Savage		728,769	"	May	19,	1903
Lacoin		751,305	"	Feb.	2,	1904
Bliemeister		1,170,601	"	Feb.	8,	1916

(16) Defendant's Exhibit O, patent to Ashmore No. 1,069,999 dated August 12, 1913;

(17) Defendant's Exhibit AA, certified copy of public record of Great Britain vised by the U. S. Consul at London;

(18) Petition for appeal filed Oct. 5, 1928;

(19) Assignments of error filed Oct. 5, 1928;

(20) Order allowing appeal entered Oct. 5, 1928;

(21) Bond on Appeal filed Oct. 8, 1928;

(22) Citation issued Oct. 5, 1928, with return of service, Oct. 8, 1928;

(23) Praeipe under Rule 75 for record filed Dec. 11, 1928;

(24) Statement of evidence filed Dec. 11, 1928;

(25) Notice of Lodgment of Statement of Evidence in Clerk's Office and notice of hearing filed Dec. 11, 1928.

Dated this 11th day of December, 1928.

Respectfully,

Lyon & Lyon,

Henry S. Richmond

Solicitors and of Counsel for Appellants

[Endorsed]: No. M-27-M United States District Court Southern District of California Southern Division James W. McGhee and Edward C. Jinks, trading as McGhee & Jinks, Plaintiffs-Appellants vs Le Sage & Company, Inc., a corporation, Defendant-Appellee Praeipe for transcript of record on appeal under Equity Rule 75 Due service and receipt of a copy of the within Praeipe is hereby admitted this 11th day of December, 1928 Raymond Ives Blakeslee Atty for Appellee Filed Dec. 11, 1928. R. S. Zimmerman Clerk, by M. L. Gaines Deputy Clerk Lyon & Lyon Frederick S. Lyon Leonard S. Lyon Lewis E. Lyon 708 National City Bank Building Los Angeles, Cal.

IN THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION

JAMES W. McGHEE and EDWARD))	
C. JINKS, trading as McGHEE &))	
JINKS,))	
	)	Plaintiffs,)
vs. )	)	IN EQUITY)
	)	NO. M-27-M)
LeSAGE & COMPANY, INC., a cor-))	
poration,))	
	)	Defendant.)

CLERK'S CERTIFICATE.

I, R. S. ZIMMERMAN, Clerk of the United States District Court for the Southern District of California, do hereby certify the foregoing volume containing 148 pages, numbered from 1 to 148 inclusive, to be the Transcript of Record on Appeal in the above entitled cause, as printed by the appellant, and presented to me for comparison and certification, and that the same has been compared and corrected by me and contains a full, true and correct copy of the citation; bill of complaint filed June 11, 1927; answer of defendant, filed August 2, 1927; minute order of Judge James filed June 23, 1928; final decree entered July 6, 1928; statement of evidence; notice of lodgment of statement of evidence and notice of hearing; plaintiffs' Exhibit 1, Letters Patent No. 1,475,306; Plaintiffs' Exhibit 2, Assignment of Letters Patent No. 1,475,306 from McGhee to Jinks; Plaintiffs' Exhibit 3-B, invoice of LeSage & Company dated June 9, 1927; Plaintiffs' Exhibit 4, letter LeSage & Company to Lyon & Lyon dated March 14, 1927; Defendant's Exhibit H; Defendant's Exhibit CC, letter from McGhee and Jinks to H. L. Judd Company dated March 14, 1927; Defendant's Exhibit DD, letter from Judd & Co. to McGhee & Jinks dated March 31, 1926; Defendant's Exhibit J, certified copy of file wrap-

per and contents of patent in suit No. 1,475,306; Defendant's Exhibit K, British patent to French 28,885 of Dec. 16, 1912; Defendant's Exhibit L, British patent to Harrison of April 28, 1886; Defendant's Exhibit M, British patent to Timmis of June 23, 1910; Defendant's Exhibit N consisting of the following patents: Fay No. 15,226, dated July 1, 1856; Gunn No. 303,370, dated Aug. 12, 1884; Riggs No. 392,363, dated Nov. 6, 1888; Nash 404,102, dated May 28, 1889; Savage No. 728,769, dated May 19, 1903; Lacoïn No. 751,305, dated Feb. 2, 1904; Bliemeister No. 1,170,601, dated Feb. 8, 1916; defendant's Exhibit O, patent to Ashmore No. 1,069,999, dated August 12, 1913; Defendant's Exhibit AA, certified copy of public record of Great Britain vised by the U. S. Consul at London; Defendant's Exhibit BB, petition for appeal filed Oct. 5, 1928; assignments of error filed Oct. 5, 1928; order allowing appeal entered Oct. 5, 1928; bond on appeal filed Oct. 8, 1928; praecipe.

I DO FURTHER CERTIFY that the fees of the clerk for comparing, correcting and certifying the foregoing Record on Appeal amount to.....and that said amount has been paid me by the appellant herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the District Court of the United States of America, in and for the Southern District of California, Southern Division, this..... day of February in the year of Our Lord One Thousand Nine Hundred and Twenty-nine, and of our Independence the One Hundred and Fifty-third.

R. S. ZIMMERMAN,
 Clerk of the District Court of the
 United States of America, in and
 for the Southern District of
 California.

By

Deputy.